

# JUDICIAL AND LAW REVIEW CITATION FREQUENCIES FOR ARTICLES PUBLISHED IN DIFFERENT "TIERS" OF LAW JOURNALS: AN EMPIRICAL ANALYSIS

Gregory Scott Crespi\*

## ABSTRACT

An empirical study of the judicial and law journal citation frequencies for a large and comprehensive sample of 550 articles that were published from 1996 through 1998 in fifteen selected law journals resulted in several findings. First, these articles averaged only 0.4 judicial citations and 14.5 law journal citations through May 30, 2003. Second, both courts and scholars cite articles that are published in the three most prestigious law journals at much higher rates than they cite articles that appear in either mid-level or lower-tier law journals. Third, courts virtually ignore altogether legal scholarship that appears in lower-tier law journals. Finally, firm normative conclusions are difficult to draw from these findings because it is unclear whether these differential citation frequencies are based only upon relative journal prestige, or whether some or all of this variation can be explained by differences in author prestige or article quality.

## I. INTRODUCTION

In recent years both prominent jurists and leading practitioners have claimed that legal scholarship has become so insular and dissociated from practical concerns that it has very little relevance for attorneys and judges.<sup>1</sup> Studies that

---

\* Professor of Law, Dedman School of Law, Southern Methodist University. J.D. 1985, Yale Law School; Ph.D. 1978, University of Iowa. I would like to thank Michael Danforth for his excellent research assistance in the preparation of this article.

1. See, e.g., Harry Edwards, *The Growing Disjunction Between Legal Edu-*

suggest sharply declining rates of citation of law journal articles in judicial opinions in recent years support this criticism.<sup>2</sup> This article is the third in a series of empirical studies that I have carried out to help assess these claims. This particular study attempts to measure the extent to which differences in the frequency with which courts and scholars cite articles reflect differences in the professional stature of the law journals in which those articles appear. It then offers some preliminary thoughts concerning the factors giving rise to this correlation.

By way of background, let me review the findings of each of my two prior studies, and then explain how the questions addressed by this third study arose out of the earlier work. My first empirical study examined the influence of a recent decade of U.S. statutory interpretation scholarship (articles published from 1988 through 1997) on U.S. judicial opinions.<sup>3</sup> That study found that fifty-two articles, 39.4% of a relatively comprehensive group of 132 statutory interpretation articles there considered, had been cited by at least one judicial opinion, with this citation frequency rising from 39.4% to 46.4% if only the subset of these articles published in 1988 through 1995 is considered.<sup>4</sup> The average number of judicial citations per article was 1.4, with this number rising to 3.8 citations per article if only the fifty-two cited articles are considered.<sup>5</sup> Seven of these articles have been fairly extensively cited by

---

*cation and the Legal Profession*, 91 MICH. L. REV. 34, 42 (1992); Judith Kaye, *One Judge's View of Academic Law Review Writing*, 39 J. LEGAL EDUC. 313, 320 (1989); Patricia Wald, *Teaching the Trade: An Appellate Judge's View of Practice-Oriented Legal Education*, 36 J. LEGAL EDUC. 35, 42 (1986); Ellen A. Peters, *Reality and the Language of the Law*, 90 YALE L.J. 1193, 1193 (1981); see also *United States v. \$639,558 in U.S. Currency*, 955 F.2d 712, 722 (D.C. Cir. 1992) (Silberman, J., concurring); Task Force on Law Schools and the Profession, *Legal Education and Professional Development—An Educational Continuum*, ABA Sec. of Leg. Educ. & Admissions to the Bar (1992), at 5.

2. See, e.g., Michael McClintock, *The Declining Use of Legal Scholarship by Courts: An Empirical Study*, 51 OKLA. L. REV. 659, 684 (1998) ("The number of judicial citations of law reviews in each of the courts surveyed [including federal courts and state supreme courts] declined dramatically from 1975 to 1996."); Louis Sirico & Jeffrey Margulies, *The Citing of Law Reviews by the Supreme Court: An Empirical Study*, 34 UCLA L. REV. 131, 134 (1986).

3. Gregory Scott Crespi, *The Influence of a Decade of Statutory Interpretation Scholarship on Judicial Rulings: An Empirical Analysis*, 53 SMU L. REV. 9 (2000).

4. *Id.* at 13.

5. *Id.*

courts,<sup>6</sup> and collectively received over half of all of the citations received by the entire group of 132 articles.<sup>7</sup>

This 46.4% citation frequency for the 1988 to 1995 subset of articles was surprisingly high given the harsh criticisms noted above concerning the lack of relevance of recent legal scholarship. However, in our modern "age of statutes"<sup>8</sup> statutory interpretation is obviously central to the work of judges. This fact suggests that the judicial citation rate for statutory interpretation scholarship may be higher, perhaps significantly so, than it is for doctrinal legal scholarship in specialized substantive areas of law, or for work of a more theoretical or speculative character that often does not have such broad and direct implications for judicial practice.

To assess this conjecture I conducted a second study in 2003.<sup>9</sup> That study investigated the judicial citation frequencies of a broad (though not fully comprehensive) cross-section of 147 contract law articles published in the U.S. between 1980 and 2001, primarily appearing in the leading student- or faculty-edited law journals.<sup>10</sup> That latter study found that 36.4% of the subset of those articles published in 1980 through 1998 had been judicially cited by the end of April 2003.<sup>11</sup> This is a lower proportion than the 46.4% figure found earlier for the comparable<sup>12</sup> 1988 to 1995 body of statutory interpretation scholarship, but not as strikingly so as one might have expected.<sup>13</sup> The average number of judicial citations per article for the entire group of 147 contract law articles was 1.6 citations per article, somewhat surprisingly a larger number of citations per article than for the statutory interpretation articles considered in the earlier study, with this number rising to 5.2 citations per article if only the forty-five cited ar-

---

6. These seven articles each received between 10 and 23 judicial citations. *Id.* at 14.

7. *Id.* at 13.

8. See, e.g., GUIDO CALABRESI, A COMMON LAW FOR THE AGE OF STATUTES 1-7 (1982).

9. Gregory Scott Crespi, *The Influence of Two Decades of Contract Law Scholarship on Judicial Rulings: An Empirical Analysis*, 57 SMU L. REV. 105 (2004).

10. *Id.*

11. *Id.* at 111.

12. The scholarship is "comparable" in the sense that in both instances the articles considered were all published five years or more prior to the study.

13. Crespi, *supra* note 9, at 111.

ticles are considered.<sup>14</sup> These statistics were once again heavily dominated by just a few articles—four in this instance—that collectively received over one-third of all judicial citations,<sup>15</sup> while the remaining 143 out of the 147 articles received an overall average of only 0.7 citations per article. The study also found that both economics-oriented and empirically-oriented contract law articles were cited at somewhat lower frequencies than were more traditional doctrinal articles.<sup>16</sup>

For comparative purposes I also examined the rates at which these contract law articles had been cited by scholars in subsequent law review articles. I found that almost all (94.6%) of the 147 articles had been cited by later scholars, many extensively so, with an overall average of 43.2 law review citations per article.<sup>17</sup> Even if one sets aside the four articles most heavily cited by the law reviews—one of which was also the contract law article most heavily cited by judges<sup>18</sup>—one still obtains an average citation frequency of 36.7 citations per article, over fifty times higher than the comparably-calculated 0.7 judicial citations per article frequency! Of course most legal scholars write primarily for an audience of their academic peers, and one would expect that a typical article would be more widely read and cited by academics than by judges. Even so, such a huge, fifty-fold discrepancy in citation rates lends further support to the claims of those who criticize legal scholarship for its jargon-laden style of exposition, undue insularity in choice of topics, and general lack of relevance for attorneys and judges.<sup>19</sup>

In both of these earlier studies, I conceded that the low frequency of judicial citation of articles does not necessarily indicate that they exerted little influence in the decision-making process.<sup>20</sup> However, a close review of the character of the citations to the judicially most heavily cited articles in

---

14. *Id.* at 109.

15. *Id.*

16. *Id.* at 112.

17. *Id.* at 115.

18. See Steven J. Burton, *Breach of Contract and the Common Law Duty to Perform in Good Faith*, 94 HARV. L. REV. 369 (1980). This article received eighty-three judicial citations and is far and away the leader among the contract law articles that I considered in my study. *Id.* at 116.

19. *Id.*

20. See Crespi, *supra* note 3, at 10 n.9; Crespi, *supra* note 9, at 117-18.

those two studies strongly suggests that when legal scholarship is cited by courts it is done so primarily to lend academic support and prestige to simple, uncontroversial propositions of law, or to decisions already reached on other grounds, and does not appear to play a meaningful role in the actual decision-making process.<sup>21</sup> Those studies did not opine on the role played by prior scholarship in influencing later academic work, which is obviously far more substantial.

These two prior studies each considered articles that appeared in a broad range of journals, including both leading journals and those that are less prestigious, and did not attempt to differentiate among articles with regard to their locus of publication. In this third article I examine the related question of what extent, if any, the judicial and law review citation frequencies for legal articles are correlated with the relative professional stature of the journals in which the articles appear. This study includes 550 articles selected on a chronological basis without regard to topic. It includes all of the non-student, substantive articles that were published in either the 1996–1997 or 1997–1998 volumes of a stratified sample of fifteen law journals.<sup>22</sup> These journals, in turn, were randomly selected at near-even distribution from each of seven different “tiers” defined by their relative professional reputations.<sup>23</sup> Let me very briefly summarize at the outset my major conclusions.

One would suspect that there would be a positive correlation here whereby articles appearing in more prestigious journals are subsequently cited more often, both by courts and scholars, than are articles that are published in lower-tier journals. The data indicates that this is in fact the case, to a rather striking extent. Articles published in the three most prestigious law reviews—*Yale Law Journal*, *Stanford Law Review*, and *Harvard Law Review*—are cited much more frequently both by courts and by scholars than are other arti-

---

21. See Crespi, *supra* note 3, at 21–22; Crespi, *supra* note 9, at 117–18.

22. I included all major articles and all substantive symposium contributions included in the subject journals, but I did not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches or tributes.

23. I selected all three of the three journals ranked highest by the USN&WR rankings, and then the two lowest-ranked journals from each of the remaining six USN&WR tiers of journals (ranked 3–25, 26–50, 51–77, 78–100, 101–137, and 138–177 respectively).

cles, and the citation rates generally decline steadily from tier to tier. The decline in judicial citation frequency from the top-tier of journals to the next tier is precipitous; courts pay very little attention to work published outside of the few most prestigious journals.

These dramatic differences in citation frequencies may result only from differences in the relative professional stature of the journals, and bear no relation to differences in the relative stature of the authors or in the quality of the articles. If so, the courts and scholars deserve criticism for giving undue weight to the general reputation of a journal, established over many years, when assessing a particular article's merits and relevance to their inquiries. However, it is likely that this difference in citation frequencies can be at least partially explained, and therefore perhaps better justified, by other factors such as systematic, tier-specific differences in the professional stature of the published authors or in the quality of the articles themselves. Unfortunately, there does not appear to be any feasible way to separate out and control for relative author prestige or article quality so as to isolate the magnitude of the residual effect of relative journal stature on citation frequencies. It therefore remains an open question as to whether the courts and scholars are paying undue attention to the stature of the journal in which an article is published.

## II. THE CITATION SURVEY

For the purposes of this study, I included all of the non-student, substantive articles<sup>24</sup> that appeared in the 1996–1997 or 1997–1998 volumes<sup>25</sup> of each of the following fifteen law journals: the *Yale Law Journal*, the *Stanford Law Review*, the *Harvard Law Review*, the *Notre Dame Law Review*, the *University of Illinois Law Review*, the *Washington Law Review*, the *SMU Law Review*, the *New Mexico Law Review*, the *Villanova Law Review*, the *University of San Francisco Law Review*, the *Wayne Law Review*, the *West Virginia Law Review*, the *William Mitchell Law Review*, the *Whittier Law Review*, and the *Willamette Law Journal*. This amounted to

---

24. See *supra* note 22.

25. The majority of the journals considered in this study publish on an academic year basis, and for these journals I utilized the 1996–1997 and 1997–1998 volumes. For those several journals that publish instead on a calendar year basis, I utilized the 1996 and 1997 volumes.

a total of 550 journal articles. For each of these articles I or my research assistant then conducted a LexisNexis computer search utilizing the "Federal and State Cases, Combined" database to locate article citations in later federal or state court decisions, and a second LexisNexis computer search utilizing the "U.S. & Canadian Law Reviews, Combined" database to locate article citations in later law journal articles published in the U.S. or in Canada. Each of these citation searches is current through at least May 30, 2003. I located a total of 220 judicial citations and 7952 law journal citations for the 550 articles here considered, a surprisingly low average of only 0.4 judicial citations and 14.5 law journal citations apiece.

Let me explain and attempt to justify these choices of publication periods and the number and identity of the journals considered for this study. Based upon the results of my two earlier citation frequency studies, I decided that a publication period ending in mid-1998 would provide a sufficient amount of time (approximately five years or more up to my May 30, 2003 research closing date) for courts and scholars to become aware of the articles and cite them if they proved to be useful.<sup>26</sup> Meanwhile, limiting the study to articles published in 1996 or later has the advantage of providing relatively current citation frequency information. I also decided that a two-year period sample that included approximately twenty-five to forty-five articles for most of the fifteen journals considered would be sufficient to reveal any journal-specific differences between citation frequencies, while still limiting the overall number of sampled articles to a manageable set of approximately 500 to 600 articles.

For the purposes of journal selection, I first utilized the notorious *U.S. News & World Report* ("USN&WR") law school rankings for 2004<sup>27</sup> to determine what schools to place in each of the seven conventionally-defined "tiers" of relative prestige.<sup>28</sup> I then assumed that the relative prestige of each

---

26. For example, in my first citation frequency study, the citation frequency for articles published five or six years before the completion of the study was 42.5%, very close to the 46.4% figure for all articles published during the entire 1988-1995 period. Crespi, *supra* note 3, at 13 T.II.

27. See *Graduate School Rankings*, U.S. NEWS & WORLD REPORT (2003).

28. It is generally understood, in accordance with and perhaps essentially defined by the USN&WR ranking format, that there is a very top "tier" of three law schools that includes only Yale, Stanford, and Harvard, followed by four

school's flagship law review to a first approximation matched its USN&WR ranking,<sup>29</sup> I then chose for this study the flagship law reviews of the top three ranked law schools that together comprise the very top tier—Yale Law School, the Stanford Law School, and the Harvard Law School. In similar fashion, I also selected the flagship law reviews from each of the two law schools ranked at the bottom of each of the six remaining conventionally-defined tiers of twenty-five or more schools existing for the 177 ABA-accredited U.S. law schools, a total of twelve additional law journals. I followed this approach so as to avoid letting one particular journal's results alone drive the conclusions regarding citation frequencies for articles published in law reviews of that tier.

I therefore selected the flagship law reviews from a total of fifteen law schools to include in this study: the flagship law reviews from the eleven law schools ranked numbers 1, 2, 3, 23-25 (tie), 23-25 (tie), 46-49 (tie), 50, 70-77 (tie), 70-77 (tie), 98-100 (tie), and 98-100 (tie) by USN&WR in its 2004 rankings,<sup>30</sup> as well as two randomly chosen schools from the (numerically unranked) USN&WR "Tier 3" schools that it had

---

more upper "tiers" of law schools, each with about twenty-five numerically-ranked schools, and a sixth tier (now called "Tier 3" by USN&WR) of numerically unranked schools ranked 101 through 137, and a seventh tier (now called "Tier 4" by USN&WR) of numerically unranked schools ranked 138 through 177.

29. A possible alternative means of journal selection for this study would have been to select a stratified sample of journals on the basis of appropriate differentials in their overall article citation totals over some relevant time period. This approach, however, would likely have resulted in selecting a very similar set of journals. For example, a very recent study by John Doyle, which counted total citations over the 1995–2002 period for a set of 186 journals utilizing the Westlaw "Journals & Law Reviews" database and then ranked the journals on the basis of the number of such citations, ranked the fifteen journals that I utilized for this study in the following rank order: 2, 4, 1, 23, 40, 50, 54, 135, 58, 93, 128, 141, 105, 115, and 119. The Doyle study has not yet been published but can be located on the Internet at <http://law.wlu.edu/library/research/lawrevs/mostcited.asp> [hereinafter Doyle Study]. Except for the much lower number 135 ranking assigned to the *New Mexico Law Review* by the Doyle study than the 70-77 (tie) ranking that I utilized on the basis of the USN&WR 2004 law school rankings, this study reveals a ranking that may be justified in light of the low citation frequency for articles there published, *infra* Table II. There is very little difference between the Doyle rankings and the USN&WR proxy rankings for the journals that I selected for this study.

30. In the event of a tie in the relevant USN&WR listings, I rather arbitrarily utilized the alphabetically-last law schools listed in that tie.



ranked between 101 and 137,<sup>31</sup> and two randomly chosen schools from the (numerically unranked) USN&WR “Tier 4” schools that it had ranked between 138 and 177.<sup>32</sup>

### III. DISCUSSION OF THE RESULTS

Let me first present below four tables that together succinctly summarize the data obtained from this study. Table I presents the number of articles published over the two-year time period and the number of subsequent judicial and law review citations for each of the fifteen journals that were included in the study. Table II presents the calculated judicial and law review citation frequencies and the average numbers of judicial and law review citations per article for each of the fifteen journals. Table III presents the averages of these judicial and law review citation frequencies separately calculated for each of the seven “tiers” of law journals. Table IV presents the judicial and law review “citation ratios” for each of the seven tiers of journals, with each journal’s citation ratios calculated with regard to the baseline overall average numbers of 0.4 judicial citations and 14.5 law journal citations per article for all 550 articles considered in this study. Appendices A through O provide article title and author lists and more detailed citation history information for each of the fifteen journals considered.

---

31. I utilized the last two alphabetically-listed journals in this unranked USN&WR Tier 3.

32. I utilized the last alphabetically-listed journal in this unranked USN&WR Tier 4, and the third-to-last alphabetically-listed journal. I did not use the second-to-last listed journal because that journal formerly had a specialized, narrow public law focus during the applicable years, and would not have provided a representative sample of articles.

TABLE I

NUMBER OF ARTICLES AND NUMBER OF COURT AND LAW  
REVIEW CITATIONS FOR ARTICLES PUBLISHED IN THE 1996–  
1997 OR 1997–1998 JOURNAL VOLUMES<sup>33</sup>

Journal	Law School USN&WR Ranking	Number of Articles	Number of Court Cita- tions	Number of Law Re- view Cita- tions
YALE L.J.	1	42	35	1644
STAN. L. REV.	2	41	22	1551
HARV. L. REV.	3	36	54	1419
NOTRE DAME L. REV.	23-25(tie)	72	23	674
U. ILL. L. REV.	23-25(tie)	33	25	537
WASH. L. REV.	46-49(tie)	23	5	202
SMU L. REV.	50	37	8	333
N. MEX. L. REV.	70-77(tie)	26	0	170
VILL. L. REV.	70-77(tie)	30	13	495
U.S.F. L. REV.	98-100(tie)	33	2	210
WAYNE L. REV.	98-100(tie)	24	0	167
W. VA. L. REV.	101-137(tie)	28	7	79
WM. MITCH. L. REV.	101-137(tie)	48	13	107
WHITTIER L. REV.	138-177(tie)	42	3	114
WILLIAMETTE L.J.	138-177(tie)	35	10	250
Overall Totals:	—	550	220	7952

33. The list of articles considered for each of the fifteen journals and the number of federal court, state court, and law review citations located by Lexis database searches for each article are presented in Appendices A through O, *infra*. The *University of Illinois Law Review*, the *Washington Law Review*, the *New Mexico Law Review*, the *Villanova Law Review*, and the *William Mitchell Law Review* each publish on a calendar rather than on an academic year basis, and for these journals the 1996 and 1997 volumes were used.

TABLE II

JUDICIAL AND LAW REVIEW CITATION FREQUENCIES FOR  
ARTICLES PUBLISHED IN THE 1996–1997 OR 1997–1998  
JOURNAL VOLUMES<sup>34</sup>

Journal	Law School USN&WR Rank- ing	Judicial Citation Frequency & Av- erage Number of Citations per Ar- ticle	Law Review Ci- tation Frequency & Average Num- ber of Citations per Article
YALE L.J.	1	45.2% (0.8)	100% (39.1)
STAN. L. REV.	2	26.8% (0.5)	100% (37.8)
HARV. L. REV.	3	47.2% (1.5)	100% (39.4)
NOTRE DAME L. REV.	23-25(tie)	13.9% (0.3)	93.1% (9.4)
U. ILL. L. REV.	23-25(tie)	39.4% (0.8)	100% (16.3)
WASH. L. REV.	46-49(tie)	13.0% (0.8)	100% (8.8)
SMU L. REV.	50	13.5% (0.2)	97.3% (9.0)
N. MEX. L. REV.	70-77(tie)	0.0% (0.0)	84.6% (6.6)
VILL. L. REV.	70-77(tie)	33.3% (0.4)	93.3% (16.5)
U.S.F. L. REV.	98-100(tie)	6.1% (0.1)	93.9% (6.4)
WAYNE L. REV.	98-100(tie)	0.0% (0.0)	87.5% (7.0)
W. VA. L. REV.	101-137(tie)	17.9% (0.3)	87.5% (2.8)
WM. MITCH. L. REV.	101-137(tie)	8.3% (0.3)	72.9% (2.2)
WHITTIER L. REV.	138-177	7.1% (0.1)	78.6 (2.7)
WILLAMETTE L.J.	138-177	17.1% (0.3)	91.4 (7.1)

---

34. *Id.*

TABLE III

JUDICIAL AND LAW REVIEW CITATION FREQUENCIES FOR  
ARTICLES PUBLISHED IN THE 1996–1997 OR 1997–1998  
JOURNAL VOLUMES, BY JOURNAL “TIER”<sup>35</sup>

Journal Tier	Judicial Citation Frequency and Average Number of Citations per Article	Law Review Citation Frequency and Average Number of Citations per Article
Tier 1 (Yale, Stanford, Harvard)	39.5% (0.9)	100% (38.8)
Tier 2 (Notre Dame, Illinois)	21.9% (0.5)	98.0% (11.5)
Tier 3 (Wash. Univ., SMU)	13.3% (0.2)	98.3% (8.9)
Tier 4 (New Mexico, Villanova)	17.9% (0.2)	89.3% (11.9)
Tier 5 (USF, Wayne)	3.5% (0.1)	91.2% (6.6)
Tier 6 (W. Va., W. Mitch.)	11.8% (0.3)	77.6% (2.8)
Tier 7 (Whittier, Willamette)	11.7% (0.2)	84.4% (4.7)
Overall Averages:	19.6% (0.4)	91.6% (14.5)

---

35. *Id.*

TABLE IV

JUDICIAL AND LAW REVIEW CITATION RATIOS FOR ARTICLES  
PUBLISHED IN THE 1996–1997 OR 1997–1998 JOURNAL  
VOLUMES, BY JOURNAL “TIER”<sup>36</sup>

Journal Tier	Judicial Citation Ratio	Law Review Citation Ratio
Tier 1 (Yale, Stanford, Harvard)	2.33	2.67
Tier 2 (Notre Dame, Illinois)	1.02	0.80
Tier 3 (Wash. Univ., SMU)	0.54	0.61
Tier 4 (New Mexico, Villanova)	0.58	0.82
Tier 5 (USF, Wayne)	0.09	0.46
Tier 6 (W. Va., W. Mitch.)	0.66	0.17
Tier 7 (Whittier, Willamette)	0.42	0.33

Several results are immediately apparent from even a cursory review of Tables I, II, III, and IV. First, those articles published in the flagship law reviews of the Yale, Stanford, and Harvard law schools are cited much more frequently than are articles published in the other flagship law reviews. As shown by Table III, the average judicial citation frequency for articles published in those three journals was 39.5%. This frequency dropped to 21.9% for articles published in the next-highest tier of journals, and then ranged from 17.9% all the way down to a low of 3.5% for the lower-tier journals. The average number of judicial citations per article also dropped by a comparable proportion, from 0.9 for the top-tier journals down to 0.5 for the next tier of journals, and then down to a

---

36. The 550 articles considered in this study garnered a total of 220 judicial citations and 7952 law review citations, an average of 0.4 judicial citations and 14.5 law review citations apiece. The calculated citation ratios for each journal tier are the ratios of the average citation frequencies for the journals of that tier considered in this study to the overall average citation frequencies noted above. Since this study included the three leading journals, but only two journals from each of the following seven tiers, the overall average judicial and law review citation frequencies calculated for the sample of 550 articles included in this study likely overstates to a slight extent the overall average citation frequencies for all articles published in any of the 177 U.S. law journals over this two-year time period.

range of 0.3 down to less than 0.1 for the lower-tier journals.

Looking at these results in another way, as shown in Table IV, the judicial "citation ratio" compared to the overall average rate of 0.4 judicial citations per article dropped from 2.33 for articles published in the very top-tier journals down to 1.02 for the next tier of journals, and then ranged from about 0.66 down to less than 0.10 for the lower-tier journals. The courts apparently pay a fairly significant amount of attention to work published in the few leading journals, and recognize to a very modest extent the articles that are published in second-tier journals,<sup>37</sup> but almost completely ignore the work that is published in the lower-tier journals.<sup>38</sup>

The differences in citation rates by other scholars between articles published in the three leading journals and articles published elsewhere was even more striking. As shown by Table II, the average number of law journal citations per article fell from 38.8 for the top three journals down to 11.5 for the next tier of journals, then fell to 8.9 for the next two tiers of journals, and fell even further after that to as low as 2.4 citations per article for the sixth-tier journals. In "citation ratio" terms, the drop was from 2.67 for the top-tier journals down to the 0.50 to 0.80 range for the mid-tier journals, and down to as low as 0.17 for the lower-tier journals.

Table III shows that almost all articles that are published by the upper three tiers of journals are cited by at least one other article. Likewise, about eighty-five percent of the articles published by the lower-tier journals are cited by at least one article. However, the average number of scholarly citations per article drops off sharply in association with the relative prestige of the journals in which the articles are published. Scholars as well as courts pay much greater attention to work published in the few leading journals than to articles published elsewhere.

---

37. Note that for the purposes of this study a "second-tier" journal is defined as a journal that is published by a law school that is ranked about twenty-fifth in the 2004 USN&WR rankings (published in early 2003). A school garnering such a ranking would commonly be regarded as a "leading" or "first tier" law school.

38. As indicated by Table I, *supra*, two of the law journals included in this study, the *New Mexico Law Review* and the *Wayne Law Review*, had no court citations at all made to any of their articles published during the two-year period; two other journals, the *University of San Francisco Law Review* and the *Whittier Law Review*, had three or fewer court citations.

As noted above, the 550 articles considered in this study averaged only 0.4 judicial citations and 14.5 law journal citations apiece. This was considerably fewer than the 1.4 judicial citations per article found to exist by my 2000 *SMU Law Review* study for the 132 statutory interpretation articles there considered,<sup>39</sup> and also well below the 1.6 judicial citations and 43.2 law journal citations per article found to exist by my 2004 *SMU Law Review* study for the set of 147 contract law articles there considered.<sup>40</sup> However, in my view several factors together explain this sharp difference in citation frequencies and undercut its significance.

First, the statutory interpretation articles considered in the prior 2000 study, in my opinion, were judicially cited at an unusually high rate not representative of legal scholarship as a whole because of the special interest this topic holds for judges. Second, the present study strongly suggests that the contract law articles considered in the prior 2004 study were cited at an unusually high frequency by both courts and scholars at least partially because they were disproportionately published in leading journals. Finally, the present study included only articles published in 1996 through 1998, giving those articles only five to seven years to accumulate citations through the May 30, 2003 research closing date. In contrast, my 2000 study examined statutory interpretation articles published in 1988 through 1997, allowing some articles as much as twelve years to garner citations, and my 2004 study covered contract law articles published from 1980 through 2001, therefore allowing in some instances for an accumulation of over twenty years of citations.<sup>41</sup> If the citation rates determined in those studies were recalculated to exclude those citations that were made more than seven years after publication of the subject articles, those rates would certainly be reduced, perhaps substantially so.

A closer consideration of Table II reveals a couple of anomalies. First, there is a fairly striking difference in the citation frequencies between the two "second-tier" journals (the *University of Illinois Law Review* and the *Notre Dame*

---

39. See *supra* text accompanying note 5.

40. See *supra* text accompanying note 9.

41. For example, the runaway leader in judicial citations (with eighty-three citations) that was considered in the 2003 study was published in 1980. Burton, *supra* note 18.

*Law Review*).<sup>42</sup> The courts cite articles appearing in the former journal almost three times as frequently as articles appearing in the latter journal, and the *University of Illinois Law Review* articles also on average received almost twice as many cites per article from scholars. I strongly suspect that this result occurred because, as indicated in Table I, the 1996–1997 and 1997–1998 issues of the *Notre Dame Law Review* included an unusually large number of articles, reflecting an unusually high proportion of symposium pieces and other shorter articles that one would expect to be cited with relatively lower frequency than are longer articles. Those two *Notre Dame Law Review* issues included a total of seventy-two articles, as compared to only thirty-three articles published in the *University of Illinois Law Review* over the same period, and as compared to the similar numbers of articles (23 to 42) appearing in the other journals considered in this study. The total number of judicial and scholarly citations to the 72 *Notre Dame Law Review* articles was 25 and 674, respectively, actually more than the 23 and 537 judicial and scholarly citations, respectively, made to the *University of Illinois Law Review* articles published during that time period. Because of the impact of the *Notre Dame Law Review* situation, the citation frequencies and ratios calculated in this study for the second-tier law journals therefore likely understate to some extent the actual citation frequencies and ratios for articles published in typical second-tier journals.

A second anomaly that is more difficult to explain is the dramatic difference in citation frequencies between the two “fourth-tier” journals (the *New Mexico Law Review* and the *Villanova Law Review*).<sup>43</sup> The *Villanova Law Review* articles received a surprisingly high average of 16.5 scholarly citations apiece, and 33.3% of those articles were cited by at least one judicial opinion, almost as high as the court citation frequency achieved by the three top-tier journals. In sharp contrast, the *New Mexico Law Review* articles received only an average of 6.6 scholarly citations apiece—close to what one would have expected given the other results of this study, and

---

42. See Table II, *supra*.

43. See *id.* Let me remind the reader that for the purposes of this study a “fourth tier” journal is defined as a journal that was published by a law school that is ranked about 100th in the 2004 USN&WR rankings (published in early 2003).



these articles collectively did not receive even a single court citation! These two journals published very similar numbers of articles over the two-year time period considered in this study (26 and 30), so the explanation suggested above for the citation frequency differences between the *University of Illinois Law Review* and the *Notre Dame Law Review* is not applicable. I can only conclude that the *Villanova Law Review* is much more highly regarded by courts and scholars than is the *New Mexico Law Review*, and probably more highly regarded than most or all of the other fourth-tier law journals as well,<sup>44</sup> even though the parent law schools of these two journals tied for 70-77 in the USN&WR 2004 rankings.<sup>45</sup> Because of the impact of the *Villanova Law Review* situation, the citation frequencies and ratios calculated for the fourth-tier law journals likely overstate to some extent the actual citation frequencies and ratios for articles published in typical fourth-tier journals. This finding perhaps also calls into some question my use of the USN&WR overall law school rankings as proxy measures of the relative reputations of their flagship law reviews, at least with regard to the journals published at mid-level law schools.<sup>46</sup>

Although this study has revealed the presence of striking differences in judicial and scholarly article citation rates depending upon the locus of publication of the article, one would ideally like to examine these relative citation frequencies more closely to determine whether some of the differences can be explained by other, independent factors, such as systematic, tier-specific differences in the relative prestige of the authors or in the relative quality of the articles. For example, if an article by Richard Epstein that was published in the *Yale Law Journal* is cited more extensively than an article by an obscure writer with little professional stature that was published in one of the lower-tier journals, this may be at least partially due to Richard Epstein being far better known and respected than the obscure author. If the authors of these two articles had been reversed, this might have altered their relative citation frequencies, perhaps significantly. If high-

---

44. *Id.*

45. *But see* Doyle Study, *supra* note 29. This study ranked the *Villanova Law Review* at 58 and the *New Mexico Law Review* only at 135.

46. *But see id.* The Doyle Study resulted in very similar rankings for most law journals according to my USN&WR rankings-based methodology.

prestige authors like Richard Epstein publish disproportionately in the higher-tier law journals, as compared to those authors less well established in the academic world, this factor could influence the relative citation frequencies for their articles, independent of the influence exerted by relative journal prestige.

Unfortunately, it would be extremely difficult to measure and control for this "author prestige" factor. First, one would have to define a quantitative measure of author prestige that was independent of the locus of publication of articles published during the sample time period,<sup>47</sup> and then apply this measure to assign a prestige ranking to each of hundreds of authors. This would obviously be quite an undertaking, rife with subjective and debatable assessments. Second, even if such author prestige rankings were calculated, the limited two-year publication period and fifteen-journal sample set that I have utilized in this study unfortunately does not include enough instances of multiple articles published by the same author in different level journals to allow one to compare a broad set of those publication profiles with the author prestige rankings, and thereby accurately measure the magnitude of and then control for the author prestige factor. To achieve this result one would need to utilize a substantially longer publication period, and many more journals, so as to include at least several articles for many if not most of the authors. However, this approach would expand the number of articles considered well into the thousands, an unmanageable size for such an inquiry.

In my opinion, if one undertook such an effort to calculate meaningful author 'prestige rankings, and then compared

---

47. An additional complication would arise even if one was able to determine author prestige rankings that are independent of the locus of publications that appeared in print during the sample time period. These prestige rankings might well have been influenced not just by the quality of prior articles and the authors' other professional accomplishments, but also by the locus of publication of those prior articles. In other words, the author prestige rankings might simply reflect to some extent the relative stature of the journals in which the authors' prior articles were published, thus again confounding the two variables. Given this possibility, one would ideally wish to determine author prestige rankings that are independent of the locus of *any* of the authors' publications that appeared at any time. However, it would obviously be very difficult if not impossible to determine how much of the authors' reputation is based upon the locus of their publications over their career, as opposed to being derived from other factors.

them to a larger set of journal publications, one would almost certainly find that the more prestigious authors tend to publish disproportionately in the higher-tier journals.<sup>48</sup> I expect that if one were able to develop a valid measure of author prestige, and then statistically control for the effect of the author prestige factor on citation rates, the remaining differences in article citation frequencies that could be attributed solely to relative journal prestige would probably be reduced somewhat, though likely still would remain significant.

Though controlling for author prestige would likely reduce somewhat the citation frequency differences attributable to relative journal prestige, I suspect that if one was able also to control for the factor of relative article quality this might have an even more significant effect, and could substantially reduce or perhaps even eliminate altogether the remaining difference between citation frequencies that could be explained solely by relative journal prestige. The heavily disproportionate emphasis that courts and scholars place upon works published in top-tier journals that is revealed by this study is likely grounded to some extent in the widely-shared assumption that those articles are of relatively higher quality than works published elsewhere. One would think this is in fact the case, given that under the multiple simultaneous submission practices utilized in legal academia the editors of the leading journals have virtually the entire body of potentially acceptable work to select from for inclusion in their journals, while the lower-tier journals must select from the "leavings," so to speak.<sup>49</sup> If those third-year law students who serve as journal editors have any real ability to judge relative article quality, this ability should be reflected in differences in average journal article quality across the different tiers of journals. It is therefore possible that the differences in cita-

---

48. *But see id.* (concerning the complications involved in drawing any conclusions concerning the relative impacts of journal prestige versus author prestige).

49. However, some of the submissions that are rejected by the top-tier journals and that are accepted by lower-tier journals may well be excellent work that simply has more of a local or regional than national or international focus, and/or is more practitioner-oriented than broadly theoretical in approach. To the extent that articles are filtered by editorial boards on these bases, rather than on their "quality" measured more abstractly, the resulting differences in average article quality across the different tiers of journals would be reduced or even eliminated.

tion rates accurately reflect—or perhaps even understate, if the differences in average article quality across journal tiers are very large!<sup>50</sup>—these relative article quality differences.

It would therefore be very useful in assessing the significance of the journal prestige factor if one could quantitatively measure the relative “quality” of articles, so as to control for this other factor. Unfortunately, undertaking such a quantitative assessment of article quality for hundreds of articles ranging over a very broad range of topics and reflecting a variety of writing styles would be an impossibly difficult and subjective exercise, and I have not attempted to offer such an assessment in this article.

#### IV. CONCLUSION

I therefore must leave open for another day the interesting question of whether the striking differences in judicial and scholarly citation rates for legal scholarship revealed by this study reflect only the relative prestige of the journals in which the articles are published, and not systematic, tier-specific differences in author prestige or article quality. Without resolving this question it is difficult to draw any firm normative conclusions from these results. If only the journal-prestige factor is at work here, in my opinion this calls for criticism of the courts and the academy for being unduly influenced in their assessment of the value of scholarship by the reputation of the journal in which it appears.

However, it could well be that these citation frequency differences do reflect to a significant extent systematic, tier-specific differences in relative author prestige. Even if this is the case, in my opinion reliance by courts and scholars upon relative journal prestige as a screening measure is still a

---

50. One might, for example, suspect that lower-tier journals would tend to publish a larger proportion of articles oriented to local practitioners than would upper-tier journals, and that the lower-tier journal articles might then be cited more by attorneys in their briefs than would be the more theoretical upper-tier journal pieces, and perhaps this tendency would ultimately be reflected in higher judicial citation rates for these lower-tier journal articles than their “quality” alone would warrant. If this is the case, then the observed citation rate differentials might actually understate the magnitude of average article quality differences. However, my view is that based on the citation research I and my research assistant have done for this article, such practitioner-oriented pieces are in fact rarely cited by courts and are rather infrequently cited by other scholars.

somewhat dubious practice, although since many writers are relatively consistent in the quality of their work, this is a more defensible heuristic time-saver than merely relying on historical journal reputations built up over the decades or centuries.

Finally, because of the filtering and sorting effects of the competitive editorial process, those tier-specific differences in citation frequencies identified by this study might reflect with some accuracy the relative quality of the articles themselves. If so, it would in my opinion provide some justification for courts and scholars focusing the majority of their attention on the output of the most prestigious journals, and legitimize to some extent those differences that I have identified in the frequency and extent to which articles published by different journals are cited by courts and scholars.

## APPENDIX A:

## YALE LAW JOURNAL ARTICLES CITATION HISTORY\*

## Volumes 106 (1996–1997) &amp; 107 (1997–1998):

Article	Federal Courts	State Courts	Law Journals
Lynn M. Lopucki, <i>The Death of Liability</i> , 106 YALE L.J. 1 (1996).	5	1	134
Eric L. Muller, <i>Solving the Batson Paradox: Harmless Error, Jury Representation, and the Sixth Amendment</i> , 106 YALE L.J. 93 (1996).	1	1	30
Robert C. Post, <i>Subsidized Speech</i> , 106 YALE L.J. 151 (1996).	1	0	79
Brian Leiter, <i>Heidegger and the Theory of Adjudication</i> , 106 YALE L.J. 253 (1996).	0	0	15
Neil Weinstock Netanel, <i>Copyright and a Democratic Society</i> , 106 YALE L.J. 283 (1996).	0	0	33
Stuart Minor Benjamin, <i>Equal Protection and the Special Relationship: The Case of Native Hawaiians</i> , 106 YALE L.J. 537 (1996).	5	0	59
Robert Brauneis, "The Foundation of our 'Regulatory Takings' Jurisprudence": The Myth and Meaning of Justice Holmes's Opinion in <i>Pennsylvania Coal Co. v. Mahon</i> , 106 YALE L.J. 613 (1996).	0	1	49
Ian Ayres & J. M. Balkin, <i>Legal Entitlements as Auctions: Property Rules, Liability Rules, and Beyond</i> , 106 YALE L.J. 703 (1996).	0	0	41
Michael Ratner & Eleanor Stein, <i>W. Haywood Burns: To be of Use</i> , 106 YALE L.J. 753 (1996).	0	0	3
James Gray Pope, <i>Labor's Constitution of Freedom</i> , 106 YALE L.J. 941 (1997).	0	0	22
Lea VanderVelde & Sandhya Subramanian, <i>Mrs. Dred Scott</i> , 106 YALE L.J. 1033 (1997).	0	1	17
Cass R. Sunstein, <i>The Right to Die</i> , 106 YALE L.J. 1123 (1997).	1	1	39

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Victoria Nourse, <i>Passion's Progress: Modern Law Reform and the Provocation Defense</i> , 106 YALE L.J. 1331 (1997).	0	0	56
Theodore P. Seto, <i>Drafting a Federal Balanced Budget Amendment That Does What it is Supposed to Do (And No More)</i> , 106 YALE L.J. 1449 (1997).	0	0	17
William B. Rubenstein, <i>Divided We Litigate: Addressing Disputes Among Group Members and Lawyers in Civil Rights Campaigns</i> , 106 YALE L.J. 1623 (1997).	0	0	32
Carlos Manuel Vasquez, <i>What is Eleventh Amendment Immunity?</i> , 106 YALE L.J. 1683 (1997).	0	0	6
Akhil Reed Amar, <i>Double Jeopardy Law Made Simple</i> , 106 YALE L.J. 1807 (1997).	1	4	28
Larry Kramer, <i>Same-Sex Marriage, Conflict of Laws, and the Unconstitutional Public Policy Exception</i> , 106 YALE L.J. 1965 (1997).	0	1	92
Ruti Teitel, <i>Transitional Jurisprudence: The Role of Law in Political Transformation</i> , 106 YALE L.J. 2009 (1997).	0	0	43
Richard A. Epstein, <i>A Clear View of The Cathedral: The Dominance of Property Rules</i> , 106 YALE L.J. 2091 (1997).	0	0	45
James E. Krier & Stewart J. Schwab, <i>The Cathedral at Twenty-Five: Citations and Impressions</i> , 106 YALE L.J. 2121 (1997).	0	0	11
Saul Levmore, <i>Unifying Remedies: Property Rules, Liability Rules, and Startling Rules</i> , 106 YALE L.J. 2149 (1997).	0	1	22
Carol M. Rose, <i>The Shadow of The Cathedral</i> , 106 YALE L.J. 2175 (1997).	0	0	35
Guido Calabresi, <i>Remarks: The Simple Virtues of the Cathedral</i> , 106 YALE L.J. 2201 (1997).	0	0	15
A. Douglas Melamed, <i>Remarks: A Public Law Perspective</i> , 106 YALE L.J. 2209 (1997).	0	0	4
Frances Elisabeth Olsen, <i>Feminism in Central and Eastern Europe: Risks and Possibilities of American Engagement</i> , 106 YALE L.J. 2215 (1997).	0	0	17
J. M. Balkin, <i>The Constitution of Status</i> , 106 YALE L.J. 2313 (1997).	0	0	88
Robin D. Barnes, <i>Black America and School Choice: Charting a New Course</i> , 106 YALE L.J. 2375 (1997).	0	0	24
William N. Eskridge, Jr., <i>A Jurisprudence of "Coming Out": Religion, Homosexuality, and Collisions of Liberty and Equality in American Public Law</i> , 106 YALE L.J. 2411 (1997).	0	1	60
Robert P. George, <i>Public Reason and Political Conflict: Abortion and Homosexuality</i> , 106 YALE L.J. 2475 (1997).	0	0	28

Article	Federal Courts	State Courts	Law Journals
Richard H. Pildes, <i>Principled Limitations on Racial and Partisan Redistricting</i> , 106 YALE L.J. 2505 (1997).	1	0	53
William J. Stuntz, <i>The Uneasy Relationship Between Criminal Procedure and Criminal Justice</i> , 107 YALE L.J. 1 (1997).	0	1	106
Ann Woolhandler, <i>The Common Law Origins of Constitutionally Compelled Remedies</i> , 107 YALE L.J. 77 (1997).	0	1	30
John H. Langbein, <i>The Secret Life of the Trust: The Trust as an Instrument of Commerce</i> , 107 YALE L.J. 165 (1997).	0	1	18
Laurence R. Helfer & Anne-Marie Slaughter, <i>Toward a Theory of Effective Supranational Adjudication</i> , 107 YALE L.J. 273 (1997).	0	0	101
Abner J. Mikva & James E. Pfander, <i>On the Meaning of Congressional silence: Using Federal Common Law to Fill the Gap in Congress's Residual Statute of Limitations</i> , 107 YALE L.J. 393 (1997).	2	0	6
Jed Rubinfeld, <i>Affirmative Action</i> , 107 YALE L.J. 427 (1997).	1	0	62
George Fisher, <i>The Jury's Rise as Lie Detector</i> , 107 YALE L.J. 575 (1997).	0	0	28
Kent Greenfield, <i>The Unjustified Absence of Federal Fraud Protection in the Labor Market</i> , 107 YALE L.J. 715 (1997).	0	0	13
R. Richard Banks, <i>The Color of Desire: Fulfilling Adoptive Parents' Racial Preferences Through Discriminatory State Action</i> , 107 YALE L.J. 875 (1998).	0	1	22
Dan T. Coenen, <i>Business Subsidies and the Dormant Commerce Clause</i> , 107 YALE L.J. 965 (1998).	0	0	17
James Q. Whitman, <i>What Is Wrong with Inflicting Shame Sanctions?</i> , 107 YALE L.J. 1055 (1998).	0	1	44



## APPENDIX B:

## STANFORD LAW REVIEW ARTICLES CITATION HISTORY\*

## Volumes 49 (1996–1997) &amp; 50 (1997–1998):

Article	Federal Courts	State Courts	Law Journals
Michael S. Knoll, <i>An Accretion Corporate Income Tax</i> , 49 STAN. L. REV. 1 (1996).	0	0	15
Toni M. Massaro, <i>Gay Rights, Thick and Thin</i> , 49 STAN. L. REV. 45 (1996).	0	0	55
Catherine Fisk & Erwin Chemerinsky, <i>The Filibuster</i> , 49 STAN. L. REV. 181 (1997).	1	0	36
Mark A. Lemley & David W. O'Brien, <i>Encouraging Software Reuse</i> , 49 STAN. L. REV. 255 (1997).	0	0	33
Barton H. Thompson, Jr., <i>The Endangered Species Act: A Case Study in Takings and Incentives</i> , 49 STAN. L. REV. 305 (1997).	0	0	54
Paul D. Carrington, <i>Law as "The Common Thoughts of Men": The Law-Teaching and Judging of Thomas McIntyre Cooley</i> , 49 STAN. L. REV. 495 (1997).	0	0	11
Markus Dirk Dubber, <i>American Plea Bargains, German Lay Judges, and the Crisis of Criminal Procedure</i> , 49 STAN. L. REV. 547 (1997).	0	0	16
Katherine M. Franke, <i>What's Wrong With Sexual Harassment?</i> , 49 STAN. L. REV. 691 (1997).	3	0	137
Allison M. Dussias, <i>Ghost Dance and Holy Ghost: The Echoes of Nineteenth-Century Christianization Policy in Twentieth-Century Native American Free Exercise Cases</i> , 49 STAN. L. REV. 773 (1997).	0	0	27
Jack M. Rakove, <i>The Origins of Judicial Review: A Plea for New Contexts</i> , 49 STAN. L. REV. 1031 (1997).	0	0	41

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
William W. Fisher III, <i>Texts and Contexts: The Application to American Legal History of the Methodologies of Intellectual History</i> , 49 STAN. L. REV. 1065 (1997).	0	0	29
Reva Siegel, <i>Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing State Action</i> , 49 STAN. L. REV. 1111 (1997).	2	0	91
Guyora Binder & Robert Weisberg, <i>Cultural Criticism of Law</i> , 49 STAN. L. REV. 1149 (1997).	0	0	42
Patricia L. Bryan, <i>Stories in Fiction and in Fact: Susan Glaspell's A Jury of her Peers and the 1901 Murder Trial of Margaret Hossack</i> , 49 STAN. L. REV. 1293 (1997).	0	0	4
Richard Thompson Ford, <i>Geography and Sovereignty: Jurisdictional Formation and Racial Segregation</i> , 49 STAN. L. REV. 1365 (1997).	0	0	27
Craig Haney, <i>Violence and the Capital Jury: Mechanisms of Moral Disengagement and the Impulse to Condemn to Death</i> , 49 STAN. L. REV. 1447 (1997).	1	0	28
Robin Charlow, <i>Tolerating Deception and Discrimination After Batson</i> , 50 STAN. L. REV. 9 (1997).	0	0	9
Kathleen Clark, <i>Paying the Price for Heightened Ethics Scrutiny: Legal Defense Funds and Other Ways That Government Officials Pay Their Lawyers</i> , 50 STAN. L. REV. 65 (1997).	0	0	17
Michael A. Perino, <i>Fraud and Federalism: Pre-empting Private State Securities Fraud Causes of Action</i> , 50 STAN. L. REV. 273 (1998).	3	3	17
Stephen P. Garvey, <i>Freeing Prisoners' Labor</i> , 50 STAN. L. REV. 339 (1998).	0	1	7
Shaun P. Martin, <i>Intracorporate Conspiracies</i> , 50 STAN. L. REV. 399 (1998).	0	0	8
John Hart Ely, <i>Gerrymanders: the Good, the Bad, and the Ugly</i> , 50 STAN. L. REV. 607 (1998).	1	0	21
Samuel Issacharoff and Richard H. Pildes, <i>Politics as Markets: Partisan Lockups of the Democratic Process</i> , 50 STAN. L. REV. 643 (1998).	0	0	84
Richard L. Hasen, <i>The "Political Market" Metaphor and Election Law: A Comment on Issacharoff and Pildes</i> , 50 STAN. L. REV. 719 (1998).	0	0	13
Pamela S. Karlan, <i>The Fire Next Time: Reapportionment After the 2000 Census</i> , 50 STAN. L. REV. 731 (1998).	1	1	37
David Lublin and D. Stephen Voss, <i>The Partisan Impact of Voting Rights Law: A Reply to Pamela S. Karlan</i> , STAN. L. REV. 765 (1998).	0	0	2
Daniel Hays Lowenstein, <i>You Don't Have to be Liberal to Hate the Racial Gerrymandering Cases</i> , 50 STAN. L. REV. 779 (1998).	0	0	12

Article	Federal Courts	State Courts	Law Journals
Ian Ayres & Jeremy Bulow, <i>The Donation Booth: Mandating Donor Anonymity to Disrupt the Market for Political Influence</i> , 50 STAN. L. REV. 837 (1998).	0	0	35
Daniel R. Ortiz, <i>The Democratic Paradox of Campaign Finance Reform</i> , 50 STAN. L. REV. 893 (1998).	0	0	32
Vikram David Amar & Alan Brownstein, <i>The Hybrid Nature of Political Rights</i> , 50 STAN. L. REV. 915 (1998).	0	0	11
Paul G. Cassell & Richard Fowles, <i>Handcuffing the Cops? A Thirty-Year Perspective on Miranda's Harmful Effects on Law Enforcement</i> , 50 STAN. L. REV. 1055 (1998).	1	2	72
John J. Donohue III, <i>Did Miranda Diminish Police Effectiveness?</i> , 50 STAN. L. REV. 1147 (1998).	0	1	27
Paul G. Cassell & Richard Fowles, <i>Falling Clearance Rates after Miranda: Coincidence or Consequence?</i> , 50 STAN. L. REV. 1181 (1998).	0	0	18
Jerry Kang, <i>Information Privacy in Cyberspace Transactions</i> , 50 STAN. L. REV. 1193 (1998).	0	0	95
Christine Jolls, Cass R. Sunstein & Richard Thaler, <i>A Behavioral Approach to Law and Economics</i> , 50 STAN. L. REV. 1471 (1998).	0	0	146
Richard A. Posner, <i>Rational Choice, Behavioral Economics, and the Law</i> , 50 STAN. L. REV. 1551 (1998).	1	0	84
Mark Kelman, <i>Behavioral Economics as Part of a Rhetorical Duet: A Response to Jolls, Sunstein and Thaler</i> , 50 STAN. L. REV. 1577 (1998).	0	0	23
Christine Jolls, Cass R. Sunstein & Richard Thaler, <i>Theories and Tropes: A Reply to Posner and Kelman</i> , 50 STAN. L. REV. 1593 (1998).	0	0	18
Neal Kumar Katyal, <i>Judges as Advicegivers</i> , 50 STAN. L. REV. 1709 (1998).	0	0	43
Abner J. Mikva, <i>Why Judges Should Not be Advicegivers: A Response to Professor Neal Katyal</i> , 50 STAN. L. REV. 1825 (1998).	0	0	17
Adrian Vermeule, <i>Legislative History and the Limits of Judicial Competence: The Untold Story of Holy Trinity Church</i> , 50 STAN. L. REV. 1833 (1998).	0	0	56

## APPENDIX C:

*HARVARD LAW REVIEW* ARTICLES CITATION HISTORY\**Volumes 110 (1996–1997) & 111 (1997–1998):*

Article	Federal Courts	State Courts	Law Journals
Cass R. Sunstein, <i>Foreward: Leaving Things Undecided</i> , 110 HARV. L. REV. 4 (1996).	9	2	18
Henry Paul Monaghan, <i>Comment: The Sovereign Immunity "Exception"</i> , 110 HARV. L. REV. 102 (1996).	0	0	87
Peter D. Enrich, <i>Saving the States from Themselves: Commerce Clause Constraints on State Tax Incentives for Business</i> , 110 HARV. L. REV. 377 (1996).	2	2	64
Dan M. Kahan, <i>Is Chevron Relevant to Federal Criminal Law?</i> , 110 HARV. L. REV. 469 (1996).	1	0	62
Katherine K. Baker, <i>Once a Rapist? Motivational Evidence and its Relevancy in Rape Law</i> , 110 HARV. L. REV. 563 (1997).	1	2	57
Ronald J. Mann, <i>Explaining the Pattern of Secured Credit</i> , 110 HARV. L. REV. 625 (1997).	0	0	59
Curtis A. Bailey & Jack L. Goldsmith, <i>Customary International Law as Federal Common Law: A Critique of the Modern Position</i> , 110 HARV. L. REV. 815 (1997).	2	0	15
Pierre Schlag, <i>Commentary: Law and Phrenology</i> , 110 HARV. L. REV. 877 (1997).	0	0	25
William W. Fisher, <i>Interpreting Holmes</i> , 110 HARV. L. REV. 1010 (1997).	0	0	2
Robert W. Gordon, <i>The Path of the Lawyer</i> , 110 HARV. L. REV. 1013 (1997).	0	0	14
Tracey E. Higgins, <i>Straying From the Path</i> , 110 HARV. L. REV. 1019 (1997).	0	0	2
Martha Minow, <i>The Path as Prologue</i> , 110 HARV. L. REV. 1023 (1997).	0	0	6

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Sheldon M. Novick, <i>Holmes's Path, Holmes's Goal</i> , 110 HARV. L. REV. 1028 (1997).	0	0	5
Richard D. Parker, <i>The Mind of Darkness</i> , 110 HARV. L. REV. 1033 (1997).	0	0	3
Richard A. Posner, <i>The Path Away from the Law</i> , 110 HARV. L. REV. 1039 (1997).	0	0	12
David Rosenberg, <i>The Path Not Taken</i> , 110 HARV. L. REV. 1044 (1997).	0	0	6
G. Edward White, <i>Investing in Holmes at the Millenium</i> , 110 HARV. L. REV. 1049 (1997).	0	0	4
Jill E. Fisch, <i>Retroactivity and Legal Change: An Equilibrium Approach</i> , 110 HARV. L. REV. 1055 (1997).	4	1	51
Christopher J. Peters, <i>Equality Revisited</i> , 111 HARV. L. REV. (1997).	0	0	21
Kent Greenawalt, <i>Response: "Prescriptive Equality." Two Steps Forward</i> , 110 HARV. L. REV. 1265 (1997).	0	0	16
Larry Alexander & Frederick Schauer, <i>On Extrajudicial Constitutional Interpretation</i> , 110 HARV. L. REV. 1359 (1997).	1	0	114
Tracey E. Higgins, <i>Democracy and Feminism</i> , 110 HARV. L. REV. 1657 (1997).	0	0	44
Hampton Dellinger, <i>Words are Enough: The Troublesome Use of Photographs, Maps, and Other Images in Supreme Court Opinions</i> , 110 HARV. L. REV. 1704 (1997).	2	0	2
Phillip P. Frickey, <i>Adjudication and its Discontents: Coherence and Conciliation in Federal Indian Law</i> , 110 HARV. L. REV. 1754 (1997).	1	0	50
Lawrence Lessig, <i>Erie-Effects of Volume 110: An Essay on Context in Interpretive Theory</i> , 110 HARV. L. REV. 1785 (1997).	2	0	45
Richard H. Fallon, Jr., <i>Foreword: Implementing the Constitution</i> , 111 HARV. L. REV. 54 (1997).	1	0	77
Michael W. McConnell, <i>Comment: A Critique of City of Boerne v. Flores</i> , 111 HARV. L. REV. 153 (1997).	2	0	130
Anita Bernstein, <i>Treating Sexual Harassment with Respect</i> , 111 HARV. L. REV. 445 (1997).	1	0	71
Aaron S. Edlin, <i>Do Guaranteed-Low-Price Policies Guarantee High Prices, and Can Antitrust Rise to the Challenge?</i> , 111 HARV. L. REV. 528 (1997).	0	0	3
John Hart Ely, <i>Standing to Challenge Pro-Minority Gerrymanders</i> , 111 HARV. L. REV. 576 (1997).	1	0	38
Michael A. Heller, <i>The Tragedy of the Anticommons: Property in the Transition from Marx to Markets</i> , 111 HARV. L. REV. 621 (1998).	0	1	129

Article	Federal Courts	State Courts	Law Journals
Mitchel de S.O.l'E. Lasser, <i>"Lit. Theory" Put to the Test: A Comparative Literary Analysis of American Judicial Tests and French Judicial Discourse</i> , 111 HARV. L. REV. 689 (1998).	0	0	9
Eric L. Muller, <i>The Hobgoblin of Little Minds? Our Foolish Law of Inconsistent Verdicts</i> , 111 HARV. L. REV. 771 (1998).	0	7	18
A. Mitchell Polinsky & Steven Shavell, <i>Punitive Damages: An Economic Analysis</i> , 111 HARV. L. REV. 869 (1998).	5	4	87
J. M. Balkin & Sanford Levinson, <i>The Canons of Constitutional Law</i> , 111 HARV. L. REV. 963 (1998).	0	0	73

## APPENDIX D:

## NOTRE DAME LAW REVIEW ARTICLES CITATION HISTORY\*

## Volumes 72 (1996–1997) &amp; 73 (1997–1998):

Article	Federal Courts	State Courts	Law Journals
Thomas L. Shaffer & John H. Robinson, <i>H. Jefferson Powell on the American Constitutional Tradition: A Conversation</i> , 72 NOTRE DAME L. REV. 11 (1996).	0	0	6
Wayne Eastman, <i>How Coasean Bargaining Entails a Prisoners' Dilemma</i> , 72 NOTRE DAME L. REV. 89 (1996).	0	0	7
Lois Shepherd, <i>Sophie's Choices: Medical and Legal Responses to Suffering</i> , 72 NOTRE DAME L. REV. 103 (1996).	0	0	17
Ashutosh Bhagwat, <i>Three-Branch Monte</i> , 72 NOTRE DAME L. REV. 157 (1996).	0	0	7

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
William D. Araiza, <i>Text, Purpose and Facts: The Relationship Between CERCLA Sections 107 and 113</i> , 72 NOTRE DAME L. REV. 193 (1996).	1	0	11
Loftus C. Carson, II, <i>The Liability of Controlling Persons Under the Federal Security Acts</i> , 72 NOTRE DAME L. REV. 263 (1996).	2	0	12
Richard F. Duncan, <i>Wigstock and the Kulturkampf: Supreme Court Storytelling, the Culture War, and Romer v. Evans</i> , 72 NOTRE DAME L. REV. 345 (1997).	0	0	36
Markita D. Cooper, <i>Between a Rock and a Hard Case: Time for a New Doctrine of Compelled Self-Publication</i> , 72 NOTRE DAME L. REV. 373 (1997).	0	0	7
Bruce A. Patterson & Mark E. Van Der Weide, <i>Susceptible to Faulty Analysis: United States v. Gaubert and the Resurrection of Federal Sovereign Immunity</i> , 72 NOTRE DAME L. REV. 447 (1997).	4	0	7
Douglas E. Litowitz, <i>Some Critical Thoughts on Critical Race Theory</i> , 72 NOTRE DAME L. REV. 503 (1997).	0	0	14
Ronald D. Rotunda, <i>Conflicts Problems When Representing Members of Corporate Families</i> , 72 NOTRE DAME L. REV. 655 (1997).	0	0	17
Thomas C. Berg, <i>Religion Clause Anti-Theories</i> , 72 NOTRE DAME L. REV. 693 (1997).	0	0	22
Gregory E. Maggs, <i>New Payment Devices and General Principles of Payment Law</i> , 72 NOTRE DAME L. REV. 753 (1997).	0	0	8
Bryan A. Liang, <i>Deselection Under Harper v. Healthsource: A Blow for Maintaining Patient-Physician Relationships in the Era of Managed Care?</i> , 72 NOTRE DAME L. REV. 799 (1997).	0	0	13
Michael Stokes Paulsen & Steffen N. Johnson, <i>Scalia's Sermonette</i> , 72 NOTRE DAME L. REV. 863 (1997).	0	0	15
William Patry, <i>The Failure of the American Copyright System: Protecting the Idle Rich</i> , 72 NOTRE DAME L. REV. 907 (1997).	0	0	27
David J. Bederman, <i>Admiralty and the Eleventh Amendment</i> , 72 NOTRE DAME L. REV. 935 (1997).	0	0	12
Robert F. Williams, <i>In the Glare of the Supreme Court: Continuing Methodology and Legitimacy Problems in Independent State Constitutional Rights Adjudication</i> , 72 NOTRE DAME L. REV. 1015 (1997).	0	3	37
Jennifer Friesen, <i>State Courts as Sources of Constitutional Law: How to Become Independently Wealthy</i> , 72 NOTRE DAME L. REV. 1065 (1997).	0	1	14
G. Alan Tarr, <i>The New Judicial Federalism in Perspective</i> , 72 NOTRE DAME L. REV. 1097 (1997).	0	0	27

Article	Federal Courts	State Courts	Law Journals
William R. Rakes, <i>Conclaves on Legal Education: Catalyst for Improvements of the Profession</i> , 72 NOTRE DAME L. REV. 1119 (1997).	0	0	7
Gerald F. Uelman, <i>Crocodiles in the Bathtub: Maintaining the Independence of State Supreme Courts in the Era of Judicial Politicization</i> , 72 NOTRE DAME L. REV. 1133 (1997).	0	1	33
Steven Brill, <i>Courtroom Cameras</i> , 72 NOTRE DAME L. REV. 1181 (1997).	0	0	2
Frederick Schauer, <i>Discourse and its Discontents</i> , 72 NOTRE DAME L. REV. 1309 (1997).	0	0	11
Vincent Blasi, <i>Reading Holmes Through the Lens of Schauer: The Abrams Dissent</i> , 72 NOTRE DAME L. REV. 1343 (1997).	0	0	3
Cynthia L. Estlund, <i>The Architecture of the First Amendment and the Case of Workplace Harassment</i> , 72 NOTRE DAME L. REV. 1361 (1997).	0	1	10
Richard H. Fallon, Jr., <i>Ruminations on the Work of Frederick Schauer</i> , 72 NOTRE DAME L. REV. 1391 (1997).	0	0	1
Clayton P. Gillette, <i>Rules and Reversability</i> , 72 NOTRE DAME L. REV. 1415 (1997).	0	0	4
Kent Greenawalt, <i>The Nature of Rules and the Meaning of Meaning</i> , 72 NOTRE DAME L. REV. 1449 (1997).	0	0	7
Abner S. Greene, <i>The Work of Knowledge</i> , 72 NOTRE DAME L. REV. 1479 (1997).	0	0	2
John Copeland Nagle, <i>Delaware &amp; Hudson Revisited</i> , 72 NOTRE DAME L. REV. 1495 (1997).	0	0	6
L.A. Powe, Jr., <i>Situating Schauer</i> , 72 NOTRE DAME L. REV. 1519 (1997).	0	0	3
Anthony J. Sebok, <i>Is the Rule of Recognition a Rule?</i> , 72 NOTRE DAME L. REV. 1539 (1997).	0	0	1
David A. Strauss, <i>Why Plain Meaning?</i> , 72 NOTRE DAME L. REV. 1565 (1997).	0	0	13
Mark Tushnet, <i>Self-Formalism, Precedent, and the Rule of Law</i> , 72 NOTRE DAME L. REV. 1583 (1997).	0	0	2
James A. Strazzella, <i>The Relationship of Double Jeopardy to Prosecution Appeals</i> , 73 NOTRE DAME L. REV. 1 (1997).	0	0	6
Michael H. LeRoy, <i>"Dealing With" Employee Involvement in Nonunion Workplaces: Empirical Research Implications for the TEAM Act and Electromotion</i> , 73 NOTRE DAME L. REV. 31 (1997).	0	0	4
William A. Reppy, Jr., <i>Judicial Overkill in Applying the Rule in Shelley's Case</i> , 73 NOTRE DAME L. REV. 83 (1997).	0	0	1
Timothy L. Fort, <i>The Corporation as Mediating Institution: An Efficacious Synthesis of Stakeholder Theory and Corporate Constituency Statutes</i> , 73 NOTRE DAME L. REV. 173 (1997).	0	0	19



Article	Federal Courts	State Courts	Law Journals
George D. Brown, <i>Stealth Statute—Corruption, the Spending Power and the Rise of 18 U.S.C. § 666</i> , 73 NOTRE DAME L. REV. 247 (1998).	8	0	13
Gregory Scott Crespi, <i>Exploring the Complicationist Gambit: An Austrian Approach to the Economic Analysis of Law</i> , 73 NOTRE DAME L. REV. 315 (1998).	0	0	6
Carlos J. Cuevas, <i>The Myth of Fiduciary Duties in Corporate Reorganization Cases</i> , 73 NOTRE DAME L. REV. 385 (1998).	1	0	13
John Finnis, <i>On the Practical Meaning of Secularism</i> , 73 NOTRE DAME L. REV. 491 (1998).	0	0	4
Larry Alexander, <i>The Banality of Legal Reasoning</i> , 73 NOTRE DAME L. REV. 517 (1998).	0	0	8
Layman E. Allen, <i>Some Examples of Using the LEGAL RELATIONS Language in the Legal Domain: Applied Deontic Logic</i> , 73 NOTRE DAME L. REV. 535 (1998).	0	0	1
Richard D. Friedman, <i>Logic and Elements</i> , 73 NOTRE DAME L. REV. 575 (1998).	0	0	0
Howard Pospesil, <i>Toward a Legal Deontic Logic</i> , 73 NOTRE DAME L. REV. 603 (1998).	0	0	1
Robert E. Rodes, Jr., <i>De Re and De Dicto</i> , 73 NOTRE DAME L. REV. 627 (1998).	0	0	0
John M. Rogers, <i>"Intensional Contexts" and the Rule That Statutes Should be Interpreted as Consistent With International Law</i> , 73 NOTRE DAME L. REV. 637 (1998).	0	0	1
Kevin W. Saunders, <i>What Logic Can and Cannot Tell Us About Law</i> , 73 NOTRE DAME L. REV. 667 (1998).	0	0	1
Patricia Sayre, <i>"Socrates is Mortal": Formal Logic and the Pre-Law Undergraduate</i> , 73 NOTRE DAME L. REV. 689 (1998).	0	0	0
Douglas N. Walton, <i>A Pragmatic Model of Legal Disputation</i> , 73 NOTRE DAME L. REV. 711 (1998).	0	0	0
Thomas L. Shaffer, <i>The Christian Jurisprudence of Robert E. Rodes, Jr.</i> , 73 NOTRE DAME L. REV. 737 (1998).	0	0	4
David L. Shapiro, <i>Class Actions: The Class as Party and Client</i> , 73 NOTRE DAME L. REV. 913 (1998).	1	0	33
Thomas D. Rowe, Jr., <i>Not Bad for Government Work: Does Anyone Else Think the Supreme Court Is Doing a Halfway Decent Job in its Erie-Hanna Jurisprudence?</i> , 73 NOTRE DAME L. REV. 963 (1998).	0	0	9
Geoffrey C. Hazard, Jr., <i>Discovery and the Role of the Judge in Civil Law Jurisdictions</i> , 73 NOTRE DAME L. REV. 1017 (1998).	0	0	12

Article	Federal Courts	State Courts	Law Journals
Diana Gribbon Motz, <i>A Federal Judge's View of Richard A. Posner's The Federal Courts: Challenge and Reform</i> , 73 NOTRE DAME L. REV. 1029 (1998).	0	0	8
Mary Ann Glendon, <i>Knowing the Universal Declaration of Human Rights</i> , 73 NOTRE DAME L. REV. 1153 (1998).	0	0	8
Angela C. Carmella, <i>Mary Ann Glendon on Religious Liberty: The Social Nature of the Person and the Public Nature of Religion</i> , 73 NOTRE DAME L. REV. 1191 (1998).	0	0	2
Paolo G. Carozza, <i>Uses and Misuses of Comparative Law in International Human Rights: Some Reflections on the Jurisprudence of the European Court of Human Rights</i> , 73 NOTRE DAME L. REV. 1217 (1998).	0	0	7
Anthony D'Amato, <i>Cross-Country Adoption: A Call to Action</i> , 73 NOTRE DAME L. REV. 1239 (1998).	0	0	2
Sanford N. Katz, <i>Marriage As Partnership</i> , 73 NOTRE DAME L. REV. 1251 (1998).	0	0	12
M. Cathleen Kaveny, <i>Managed Care, Assisted Suicide, and Vulnerable Populations</i> , 73 NOTRE DAME L. REV. 1275 (1998).	0	0	17
Thomas C. Kohler, <i>The Disintegration of Labor Law: Some Notes for a Comparative Study of Legal Transformation</i> , 73 NOTRE DAME L. REV. 1311 (1998).	0	0	1
Donald P. Kommers, <i>The Constitutionalism of Mary Ann Glendon</i> , 73 NOTRE DAME L. REV. 1333 (1998).	0	0	3
Harry D. Krause, <i>On the Danger of Allowing Marital Fault to Re-Emerge in the Guise of Torts</i> , 73 NOTRE DAME L. REV. 1355 (1998).	0	0	3
Jacqueline M. Nolan-Haley, <i>Lawyers, Clients, and Mediation</i> , 73 NOTRE DAME L. REV. 1369 (1998).	0	0	22
Manuel Rodriguez-Orellana, <i>Human Rights and Talk . . . And Self-Determination, Too!</i> , 73 NOTRE DAME L. REV. 1391 (1998).	0	0	2
Christopher Osakwe, <i>Anatomy of the 1994 Civil Codes of Russia and Kazakstan: A Biopsy of the Economic Constitutions of Two Post-Soviet Republics</i> , 73 NOTRE DAME L. REV. 1413 (1998).	0	0	1
David M. Smolin, <i>Church, State, and International Human Rights: A Theological Appraisal</i> , 73 NOTRE DAME L. REV. 1515 (1998).	0	0	4
Katherine Shaw Spaht, <i>For the Sake of the Children: Recapturing the Meaning of Marriage</i> , 73 NOTRE DAME L. REV. 1547 (1998).	0	0	24
Joseph Vining, <i>The Gift of Language</i> , 73 NOTRE DAME L. REV. 1581 (1998).	0	0	1

## APPENDIX E:

UNIVERSITY OF ILLINOIS LAW REVIEW ARTICLES CITATION  
HISTORY\**Volumes 1996 & 1997:*

Article	Federal Courts	State Courts	Law Jour- nals
Laura B. Bartell, <i>Contempt of the Bankruptcy Court—A New Look</i> , 1996 U. ILL. L. REV. 1(1996).	1	0	8
Kathleen Clark, <i>Do We Have Enough Ethics in Government Yet?: An Answer from Fiduciary Theory</i> , 1996 U. ILL. L. REV. 57 (1996).	0	0	19
Robert R. Kuehn, <i>The Environmental Justice Implications of Quantitative Risk Assessment</i> , 1996 U. ILL. L. REV. 103 (1996).	0	0	56
Eric T. Freyfogle, <i>The Construction of Ownership</i> , 1996 U. ILL. L. REV. 173 (1996).	0	0	8
Susan K. Grebeldinger, <i>The Role of Workplace Hostility in Determining Prospective Remedies for Employment Discrimination: A Call for Greater Judicial Discretion in Awarding Front Pay</i> , 1996 U. ILL. L. REV. 319 (1996).	1	0	6
James R. McCall, <i>Misconceptions and Reevaluation—Polygraph Admissibility After Rock and Daubert</i> , 1996 U. ILL. L. REV. 363 (1996).	5	2	20
Keith Werhan, <i>Delegalizing Administrative Law</i> , 1996 U. ILL. L. REV. 423 (1996).	0	0	21
Pamela H. Bucy, <i>Crimes by Health Care Providers</i> , 1996 U. ILL. L. REV. 589 (1996).	0	1	18
Bary Kellman & David S. Gualtieri, <i>Barricading the Nuclear Window—A Legal Regime to Curtail Nuclear Smuggling</i> , 1996 U. ILL. L. REV. 667 (1996).	0	0	13
David G. Owen, <i>Defectiveness Restated: Exploding the “Strict” Products Liability Myth</i> , 1996 U. ILL. L. REV. 743 (1996).	0	2	40

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the “Federal and State Cases, Combined” and “U.S. & Canadian Law Reviews, Combined” databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Kathleen E. Mahoney, <i>Hate Speech: Affirmation or Contradiction of Freedom of Expression</i> , 1996 U. ILL. L. REV. 789 (1996).	0	0	12
Joel B. Eisen, <i>"Brownfields of Dreams": Challenges and Limits of Voluntary Cleanup Programs and Incentives</i> , 1996 U. ILL. L. REV. 883 (1996).	0	0	36
Daniel Keating, <i>Bankruptcy, Tithing, and the Pocket-Picking Paradigm of Free Exercise</i> , 1996 U. ILL. L. REV. 1041 (1996).	2	0	5
Dana M. Muir & Cindy A. Schipani, <i>The Intersection of State Corporation Law and Employee Compensation Programs: Is it Curtains for Veil Piercing?</i> , 1996 U. ILL. L. REV. 1059 (1996).	0	1	10
Mark V. Tushnet, <i>The Jurisprudence of Thurgood Marshall</i> , 1996 U. ILL. L. REV. 1129 (1996).	0	0	4
Eric W. Orts & Paula C. Murray, <i>Environmental Disclosure and Evidentiary Privilege</i> , 1997 U. ILL. L. REV. 1 (1997).	0	0	18
Edward A. Fallone, <i>Section 10(b) and the Vagaries of Federal Common Law: The Merits of Codifying the Private Cause of Action Under a Structuralist Approach</i> , 1997 U. ILL. L. REV. 71 (1997).	0	0	14
Kit Kinports, <i>The Buck Does Not Stop Here: Supervisory Liability in Section 1983 Cases</i> , 1997 U. ILL. L. REV. 147 (1997).	3	1	6
Steven Lubet, <i>Is Legal Theory Good for Anything?</i> , 1997 U. ILL. L. REV. 193 (1997).	0	0	5
Deborah W. Denno, <i>Sexuality, Rape, and Mental Retardation</i> , 1997 U. ILL. L. REV. 315 (1997).	0	0	9
John F. Hart, <i>Forfeiture of Unimproved Land in the Early Republic</i> , 1997 U. ILL. L. REV. 435 (1997).	0	0	4
Susan R. Klein, <i>The Discriminatory Application of Substantive Due Process: A Tale of Two Vehicles</i> , 1997 U. ILL. L. REV. 453 (1997).	0	0	12
Jeffrey O'Connell & Ralph M. Muoio, <i>The Beam in Thine Eye: Judicial Attitudes Toward "Early Offer" Tort Reform</i> , 1997 U. ILL. L. REV. 491 (1997).	0	0	1
Stephen F. Ross, <i>The Misunderstood Alliance Between Sports Fans, Players, and the Antitrust Laws</i> , 1997 U. ILL. L. REV. 519 (1997).	0	0	11
Linda D. Elrod, <i>Child Support Reassessed: Federalization of Enforcement Nears Completion</i> , 1997 U. ILL. L. REV. 695 (1997).	0	1	13
Wolfgang Oehler, <i>Working with a Code: Is There a Difference Between Civil-Law and Common-Law People?</i> , 1997 U. ILL. L. REV. 711 (1997).	0	0	4
Ira Mark Ellman & Sharon Lohr, <i>Marriage as Contract, Opportunistic Violence, and Other Bad Arguments for Fault Divorce</i> , 1997 U. ILL. L. REV. 719 (1997).	0	0	30

Article	Federal Courts	State Courts	Law Journals
Marygold S. Melli et al., <i>Child Custody in a Changing World: A Study of PostDivorce Arrangements in Wisconsin</i> , 1997 U. ILL. L. REV. 773 (1997).	0	1	11
J. Thomas Oldham, <i>ALI Principles of Family Dissolution: Some Comments</i> , 1997 U. ILL. L. REV. 801 (1997).	0	1	21
Lynn D. Wardle, <i>The Potential Impact of Homosexual Parenting on Children</i> , 1997 U. ILL. L. REV. 833 (1997).	0	2	69
Ralph Brubaker, <i>Bankruptcy Injunctions and Complex Litigation: A Critical Reappraisal of Non-Debtor Releases in Chapter 11 Reorganizations</i> , 1997 U. ILL. L. REV. 959 (1997).	1	0	15
Eric T. Freyfogle, <i>Illinois Life: An Environmental Testament</i> , 1997 U. ILL. L. REV. 1081 (1997).	0	0	3
Jeffrey O'Connell & Christopher J. Robinette, <i>"Choice Auto Insurance": Do Theories of Justice Require Linkage Between Injurers and the Injured?</i> , 1997 U. ILL. L. REV. 1109 (1997).	0	0	15

## APPENDIX F:

## WASHINGTON LAW REVIEW ARTICLES CITATION HISTORY\*

## Volumes 71 (1996) &amp; 72 (1997):

Article	Federal Courts	State Courts	Law Journals
Lyrisa Barnett Lidsky, <i>Defamation, Reputation, and the Myth of the Community</i> , 71 WASH. L. REV. 1 (1996).	1	0	14
Mike Townsend, <i>Implications of Foundational Crises in Mathematics: A Case Study in Interdisciplinary Legal Research</i> , 71 WASH. L. REV. 51 (1996).	0	0	14

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Leila Sadat Wexler, <i>Official English, Nationalism and Linguistic Terror: A French Lesson</i> , 71 WASH. L. REV. 285 (1996).	0	0	23
William H. Rodgers, Jr., <i>The Sense of Justice and the Justice of Sense: Native Hawaiian Sovereignty and the Second "Trial of the Century"</i> , 71 WASH. L. REV. 379 (1996).	0	0	8
Bradley W. Joondeph, <i>Missouri v. Jenkins and the De Facto Abandonment of Court-Enforced Desegregation</i> , 71 WASH. L. REV. 597 (1996).	0	0	17
Sean M. Scott, <i>The Hidden First Amendment Values of Privacy</i> , 71 WASH. L. REV. 683 (1996).	0	0	13
Michael S. Jacobs, <i>When Antitrust Fails: Public Health, Public Hospitals, and Public Values</i> , 71 WASH. L. REV. 899 (1996).	0	0	3
Patricia C. Kuszler, <i>Balancing the Barriers: Exploiting and Creating Incentives to Promote Development of New Tuberculosis Treatments</i> , 71 WASH. L. REV. 919 (1996).	0	0	6
Sana Loue, <i>Immigrants, Immigration Law, and Tuberculosis</i> , 71 WASH. L. REV. 969 (1996).	0	0	2
Lisa A. Vincler & Deborah L. Gordon, <i>Legislative Reform of Washington's Tuberculosis Law: The Tension Between Due Process and Protecting Public Health</i> , 71 WASH. L. REV. 989 (1996).	0	0	4
Lawrence Ponoroff & Julie C. Ashby, <i>Desperate Times and Desperate Measures: The Troubled State of the Ordinary Course of Business Defense—And What To Do About It</i> , 72 WASH. L. REV. 5 (1997).	2	1	3
Lis Wiehl, <i>Keeping Files on the File Keepers: When Prosecutors Are Forced To Turn Over the Personnel Files of Federal Agents to Defense Lawyers</i> , 72 WASH. L. REV. 73 (1997).	0	0	4
Diane E. Hoffmann, <i>Emergency Care and Managed Care—A Dangerous Combination</i> , 72 WASH. L. REV. 315 (1997).	0	0	14
Irma S. Russell, <i>Cries and Whispers: Environmental Hazards, Model Rule 1.6, and the Attorney's Conflicting Duties to Clients and Others</i> , 72 WASH. L. REV. 409 (1997).	0	0	15
Louis E. Wolcher, <i>Pav nik's Theory of Legal Decisionmaking: An Introduction</i> , 72 WASH. L. REV. 469 (1997).	0	0	3
Marijan Pav nik, <i>Legal Decisionmaking as a Responsible Intellectual Activity: A Continental Point of View</i> , 72 WASH. L. REV. 481 (1997).	0	0	4
John T. Cross, <i>Giving Credit Where Credit is Due: Revisiting the Doctrine of Reverse Passing Off in Trademark Law</i> , 72 WASH. L. REV. 709 (1997).	1	0	3
Anne Proffitt Dupre, <i>Disability and the Public Schools: The Case Against "Inclusion"</i> , 72 WASH. L. REV. 775 (1997).	0	0	14

Article	Federal Courts	State Courts	Law Journals
Kathryn L. Tucker, <i>Surrogate End of Life Decisionmaking: The Importance of Providing Procedural Due Process, A Case Review</i> , 72 WASH. L. REV. 859 (1997).	0	0	6
Carole E. Goldberg, <i>Overextended Borrowing: Tribal Peacemaking Applied in Non-Indian Disputes</i> , 72 WASH. L. REV. 1003 (1997).	0	0	10
Ralph W. Johnson, <i>Indian Tribes and the Legal System</i> , 72 WASH. L. REV. 1021 (1997).	0	0	5
Rennard Strickland, <i>Wolf Warriors and Turtle Kings: Native American Law Before the Blue Coats</i> , 72 WASH. L. REV. 1043 (1997).	0	0	2
Charles Wilkinson, <i>The Role of Bilateralism in Fulfilling the Federal-Tribal Relationship: The Tribal Rights-Endangered Species Secretarial Order</i> , 72 WASH. L. REV. 1063 (1997).	0	0	15

## APPENDIX G:

## SMU LAW REVIEW ARTICLES CITATION HISTORY\*

## Volumes 50 (1996–1997) &amp; 51 (1997–1998):

Article	Federal Courts	State Courts	Law Journals
Douglas E. Abrams, <i>Crime Legislation and the Public Interest: Lessons from Civil RICO</i> , 50 SMU L. REV. 33 (1996).	1	0	12
Douglas M. Branson, <i>Chasing the Rogue Professional After the Private Securities Litigation Reform Act of 1995</i> , 50 SMU L. REV. 91 (1996).	0	0	10
Charles M. Elson, <i>Director Compensation and the Management-Captured Board—The History of a Symptom and a Cure</i> , 50 SMU L. REV. 127 (1996).	0	0	12

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the “Federal and State Cases, Combined” and “U.S. & Canadian Law Reviews, Combined” databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Janet E. Kerr, <i>Falston Redux: Determining Which Section 3 Offerings are Public Under Section 12(2) After Gustafson</i> , 50 SMU L. REV. 175 (1996).	2	0	1
Mark J. Loewenstein, <i>Reflections on Executive Compensation and a Modest Proposal for (Further) Reform</i> , 50 SMU L. REV. 201 (1996).	0	0	16
Richard W. Painter & Jennifer E. Duggan, <i>Lawyer Disclosure of Corporate Fraud: Establishing a Firm Foundation</i> , 50 SMU L. REV. 225 (1996).	0	0	29
Norman S. Poser, <i>Making Securities Arbitration Work</i> , 50 SMU L. REV. 277 (1996).	0	0	5
Mark I. Steinberg & Christopher D. Olive, <i>Contribution and Proportionate Liability Under the Federal Securities Laws in Multidefendant Securities Litigation After the Private Securities Litigation Reform Act of 1995</i> , 50 SMU L. REV. 337 (1996).	1	0	4
Manning Gilbert Warren III, <i>The Primary Liability of Securities Lawyers</i> , 50 SMU L. REV. 383 (1996).	0	0	15
Robert Araujo, S.J., <i>The Virtuous Lawyer: Paradigm and Possibility</i> , 50 SMU L. REV. 433 (1997).	0	0	11
Maureen Armour, <i>Rethinking Judicial Discretion: Sanctions and the Conundrum of the Close Case</i> , 50 SMU L. REV. 493 (1997).	0	0	6
Judge Robert M. Parker & Ron Chapman, Jr., <i>Accepting Reality: The Time for Adopting Discretionary Review in the Courts of Appeals Has Arrived</i> , 50 SMU L. REV. 573 (1997).	0	0	12
Carl Tobias, <i>Why Congress Should Not Split the Ninth Circuit</i> , 50 SMU L. REV. 583 (1997).	0	0	16
John Burritt McArthur, <i>Coming of Age: Initiating the Oilfield into Performance Disclosure</i> , 50 SMU L. REV. 663 (1997).	0	0	0
Margaret V. Sachs, <i>Judge Friendly and the Law of Securities Regulation: The Creation of a Judicial Reputation</i> , 50 SMU L. REV. 777 (1997).	0	0	13
Dennis Patterson, <i>Law and Truth: Replies to Critics</i> , 50 SMU L. REV. 1563 (1997).	0	0	3
George P. Fletcher, <i>What Law Is Like</i> , 50 SMU L. REV. 1599 (1997).	0	0	4
David Luban, <i>Lawyers Rule: A Comment on Patterson's Theories of Truth</i> , 50 SMU L. REV. 1613 (1997).	0	0	6
Jefferson White, <i>Eclecticism in Law and Truth</i> , 50 SMU L. REV. 1629 (1997).	0	0	1
George A. Martínez, <i>Some Thoughts on Law and Interpretation</i> , 50 SMU L. REV. 1651 (1997).	0	0	5
Charles Altieri, <i>Some Limits of Postmodernism in Legal Studies: On Dennis Patterson's Law and Truth</i> , 50 SMU L. REV. 1663 (1997).	0	0	1
Benjamin C. Zipursky, <i>Legal Coherentism</i> , 50 SMU L. REV. 1679 (1997).	0	0	8



Article	Federal Courts	State Courts	Law Journals
Leslie Pickering Francis, <i>Legal Truth and Moral Realism</i> , 50 SMU L. REV. 1721 (1997).	0	0	2
Brian Leiter, <i>Why Quine is Not a Postmodernist</i> , 50 SMU L.R. 1739 (1997).	0	0	7
Laura E. Cunningham & Noël B. Cunningham, <i>Simplifying Subchapter K: The Deferred Sale Method</i> , 51 SMU L.R. 1 (1997).	0	0	3
Mark P. Gergen, <i>Subchapter K and Passive Financial Intermediation</i> , 51 SMU L.R. 37 (1997).	0	0	2
Christopher H. Hanna, <i>Initial Thoughts on Classifying the Major Japanese Business Entities Under the Check-the-Box Regulations</i> , 51 SMU L. REV. 75 (1997).	0	0	1
Henry J. Lischer, Jr., <i>Elective Tax Classification for Qualifying Foreign and Domestic Business Entities Under the Final Check-the-Box Regulations</i> , 51 SMU L. REV. 99 (1997).	0	0	3
George K. Yin, <i>The Taxation of Private Business Enterprises: Some Policy Questions Stimulated by the "Check-the-Box" Regulations</i> , 51 SMU L. REV. 125 (1997).	0	1	11
Gerry W. Beyer et al., <i>The Fine Art of Intimidating Disgruntled Beneficiaries with In Terrorem Clauses</i> , 51 SMU L. REV. 225 (1998).	0	0	1
Allen R. Kamp, <i>Uptown Act: A History of the Uniform Commercial Code: 1940-49</i> , 51 SMU L. REV. 275 (1998).	0	0	16
William Winslade et al., <i>Castrating Pedophiles Convicted of Sexual Offenses Against Children: New Treatment or Old Punishment?</i> , 51 SMU L. REV. 349 (1998).	0	3	4
Christopher R. Drahozal, <i>Judicial Incentives and the Appeals Process</i> , 51 SMU L. REV. 469 (1998).	0	0	10
Charles R.P. Pouncy, <i>Contemporary Financial Innovation: Orthodoxy and Alternatives</i> , 51 SMU L. REV. 505 (1998).	0	0	7
Kevin R. Johnson & Amagda Pérez, <i>Clinical Legal Education and the U.C. Davis Immigration Law Clinic: Putting Theory Into Practice and Practice Into Theory</i> , 51 SMU L. REV. 1423 (1998).	0	0	19
Jon C. Dubin, <i>Clinical Design for Social Justice Imperatives</i> , 51 SMU L. REV. 1461 (1998).	0	0	31
David F. Chavkin, <i>Am I My Client's Lawyer?: Role Definition and the Clinical Supervisor</i> , 51 SMU L. REV. 1507 (1998).	0	0	26

## APPENDIX H:

## NEW MEXICO LAW REVIEW ARTICLES CITATION HISTORY\*

## Volumes 26 (1996) &amp; 27 (1997):

Article	Federal Courts	State Courts	Law Reviews
Margaret E. Montoya, <i>Border Crossings in an Age of Border Patrols: Cruzando Fronteras Metaforicas</i> , 26 N.M. L. REV. 1 (1996).	0	0	9
Guadalupe T. Luna, <i>"Agricultural Underdogs" and International Agreements: The Legal Context of Agricultural Workers Within the Rural Economy</i> , 26 N.M. L. REV. 9 (1996).	0	0	38
Walter A. Wright, <i>Mediation of Private United States-Mexico Commercial Disputes: Will it Work?</i> , 26 N.M. L. REV. 57 (1996).	0	0	3
Alfredo Mirandé, <i>"En la Tierra del Ciego, El Tuerto es Rey" ("In the Land of the Blind, the One-Eyed Person is King"): Bilingualism as a Disability</i> , 26 N.M. L. REV. 75 (1996).	0	0	11
Jon'a Meyer & Paul Jesilow, <i>Research on Bias in Judicial Sentencing</i> , 26 N.M. L. REV. 107 (1996).	0	0	2
Rennard Strickland & Gloria Valencia-Weber, <i>Observations on the Evolution of Indian Law in the Law Schools</i> , 26 N.M. L. REV. 153 (1996).	0	0	7
G. William Rice, <i>There and Back Again—An Indian Hobbit's Holiday: "Indians Teaching Indian Law"</i> , 26 N.M. L. REV. 169 (1996).	0	0	6
Renee Taylor, <i>All My Relationships</i> , 26 N.M. L. REV. 191 (1996).	0	0	0
Christine A. Klein, <i>Treaties of Conquest: Property Rights, Indian Treaties, and The Treaty of Guadalupe Hidalgo</i> , 26 N.M. L. REV. 201 (1996).	0	0	15
Vicki J. Limas, <i>Sovereignty as a Bar to Enforcement of Executive Order No. 11,246 In Federal Contracts With Native American Tribes</i> , 26 N.M. L. REV. 257 (1996).	0	0	1

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Reviews
Peter Arenella, <i>Simms Memorial Lecture Series Explaining the Unexplainable: Analyzing the Simpson Verdict</i> , 26 N.M. L. REV. 349 (1996).	0	0	6
Charles T. DuMars, <i>Changing Interpretations of New Mexico's Constitutional Provisions Allocating Water Resources: Integrating Private Property Rights and Public Values</i> , 26 N.M. L. REV. 367 (1996).	0	0	0
Carolyn M. Nichols, <i>The Interpretation of the Confrontation Clause: Desire to Promote Perceived Societal Benefits and Denial of the Resulting Difficulties Produces Dichotomy in the Law</i> , 26 N.M. L. REV. 393 (1996).	0	0	2
Linda M. Vanzi, <i>Freedom at Home: State Constitutions and Medicaid Funding for Abortions</i> , 26 N.M. L. REV. 433 (1996).	0	0	10
JoAnn Matthiesen, <i>What Now for the Texas Colonias?</i> , 27 N.M. L. REV. 1 (1997).	0	0	3
Nancy L. Simmons, <i>Memories and Miracles—Housing the Rural Poor Along The United States-Mexico Border: A Comparative Discussion of Colonia Formation and Remediation In El Paso County, Texas, and Doña Ana County, New Mexico</i> , 27 N.M. L. REV. 33 (1997).	0	0	1
Miguel A. Méndez, <i>Lawyers, Linguists, Story-Tellers, and Limited English-Speaking Witnesses</i> , 27 N.M. L. REV. 77 (1997).	0	0	3
Nancy S. Kim, <i>The Cultural Defense and the Problem of Cultural Preemption: A Framework For Analysis</i> , 27 N.M. L. REV. 101 (1997).	0	0	12
Michael C. Taylor, <i>Why No Rule of Law in Mexico? Explaining the Weakness of Mexico's Judicial Branch</i> , 27 N.M. L. REV. 141 (1997).	0	0	9
Judith A. Hagley, <i>Massive Resistance—The Rhetoric and the Reality</i> , 27 N.M. L. REV. 167 (1997).	0	0	0
Margaret E. Montoya, <i>Lines of Demarcation in a Town Called Frontera: A Review of John Sayles' Movie Lone Star</i> , 27 N.M. L. REV. 223 (1997).	0	0	6
Yuanchung Lee, <i>Rediscovering the Constitutional Lineage of Federal Indian Law</i> , 27 N.M. L. REV. 273 (1997).	0	0	6
Laurie Reynolds, <i>"Jurisdiction" in Federal Indian Law: Confusion, Contradiction, and Supreme Court Precedent</i> , 27 N.M. L. REV. 359 (1997).	0	0	10
Robert William Alexander, <i>The Collision of Tribal Natural Resource Development and State Taxation: An Economic Analysis</i> , 27 N.M. L. REV. 387 (1997).	0	0	0
Michael A. Mogill, <i>Academic TROS: How to Prevail in the Court of Public Opinion</i> , 27 N.M. L. REV. 473 (1997).	0	0	1
John Dwight Ingram & Alyson Ann Ray, <i>The Right(?) to Keep and Bear Arms</i> , 27 N.M. L. REV. 491 (1997).	0	0	9

## APPENDIX I:

## VILLANOVA LAW REVIEW ARTICLES CITATION HISTORY\*

*Volumes 41 (1996) & 42 (1997):*

Article	Federal Courts	State Courts	Law Journals
Henry H. Perritt, Jr., <i>Jurisdiction in Cyberspace</i> , 41 VILL. L. REV. 1 (1996).	0	0	85
Robert M. Gellman, <i>Can Privacy be Regulated Effectively on a National Level? Thoughts on the Possible Need for International Privacy Rules</i> , 41 VILL. L. REV. 129 (1996).	0	0	24
Joel Klein & Preeta Bensal, <i>International Anti-trust Enforcement in the Computer Industry</i> , 41 VILL. L. REV. 173 (1996).	0	0	12
J. Beckwith Burr, <i>Competition Policy and Intellectual Property in the Information Age</i> , 41 VILL. L. REV. 193 (1996).	0	0	8
Charles R. McManis, <i>Taking TRIPS on the Information Superhighway: International Intellectual Property Protection and Emerging Computer Technology</i> , 41 VILL. L. REV. 207 (1996).	0	0	33
Stephen J. Fortunato, Jr., <i>Instructing on Reasonable Doubt After Victor v. Nebraska: A Trial Judge's Certain Thoughts on Certainty</i> , 41 VILL. L. REV. 365 (1996).	1	1	6
Evelyn Brody, <i>Institutional Dissonance in the Nonprofit Sector</i> , 41 VILL. L. REV. 433 (1996).	0	0	31
Carl Tobias, <i>Warren Burger and the Administration of Justice</i> , 41 VILL. L. REV. 505 (1996).	0	0	0
Derrick Augustus Carter, <i>Knight in the Duel with Death: Physician Assisted Suicide and the Medical Necessity Defense</i> , 41 VILL. L. REV. 663 (1996).	0	1	3
Linda Kelly, <i>Preserving the Fundamental Right to Family Unity: Championing Notions of Social Contract and Community Ties in the Battle of Plenary Power Versus Aliens' Rights</i> , 41 VILL. L. REV. 725 (1996).	0	0	22

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Richard Lowell Nygaard, <i>On Responsibility: Or, the Insanity of Mental Defenses and Punishment</i> , 41 VILL. L. REV. 951 (1996).	0	0	6
Edward Chase, <i>The Third Circuit and the Landlord's Noncompetition Promise: The Use and Misuse of Intent Theory</i> , 41 VILL. L. REV. 989 (1996).	0	0	0
Gerald Abraham, <i>The Cry of the Children</i> , 41 VILL. L. REV. 1345 (1996).	0	0	4
Barbara Kritchevsky, <i>A Return to Owen: Depersonalizing Section 1983 Municipal Liability Litigation</i> , 41 VILL. L. REV. 1381 (1996).	1	0	5
Alan D. Hornstein, <i>Between Rock and a Hard Place: The Right to Testify and Impeachment by Prior Conviction</i> , 42 VILL. L. REV. 1 (1997).	0	1	6
Amy B. Cohen, <i>Reviving Jacob and Youngs, Inc. v. Kent: Material Breach Doctrine Reconsidered</i> , 42 VILL. L. REV. 65 (1997).	1	0	3
Susan Beth Farmer, <i>Balancing State Sovereignty and Competition: An Analysis of the Impact of Seminole Tribe on the Antitrust State Action Immunity Doctrine</i> , 42 VILL. L. REV. 111 (1997).	0	0	2
Peter David Blanck & Mollie Weighner Marti, <i>Attitudes, Behavior and the Employment Provisions of the Americans with Disabilities Act</i> , 42 VILL. L. REV. 345 (1997).	0	0	42
Robert L. Burgdorf Jr., <i>"Substantially Limited" Protection from Disability Discrimination: The Special Treatment Model and Misconstructions of the Definition of Disability</i> , 42 VILL. L. REV. 409 (1997).	1	1	60
Arlene B. Mayerson, <i>Restoring Regard for the "Regarded as" Prong: Giving Effect to Congressional Intent</i> , 42 VILL. L. REV. 587 (1997).	0	1	43
Mark S. Dichter & Sarah E. Sutor, <i>The New Genetic Age: Do Our Genes Make Us Disabled Individuals Under the Americans With Disabilities Act?</i> , 42 VILL. L. REV. 613 (1997).	0	0	15
Stanley S. Herr, <i>Questioning the Questionnaires: Bar Admissions and Candidates with Disabilities</i> , 42 VILL. L. REV. 635 (1997).	0	0	6
Peggy R. Mastroianni & Carol R. Miaskoff, <i>Coverage of Psychiatric Disorders Under the Americans With Disabilities Act</i> , 42 VILL. L. REV. 723 (1997).	0	1	6
Anne Bowen Poulin, <i>The Plain Feel Doctrine and the Evolution of the Fourth Amendment</i> , 42 VILL. L. REV. 741 (1997).	0	1	1
Amanda K. Esquibel, <i>The Economic Loss Rule and Fiduciary Duty Claims: Nothing Stricter Than the Morals of the Marketplace?</i> , 42 VILL. L. REV. 789 (1997).	1	1	7
Judith L. Ritter, <i>The X Files: Joint Trials, Redacted Confessions and Thirty Years of Sidestepping Bruton</i> , 42 VILL. L. REV. 855 (1997).	0	0	6

Article	Federal Courts	State Courts	Law Jour- nals
Craig W. Palm & Mark A. Kearney, <i>A Primer on the Basics of Directors' Duties in Delaware: The Rules of the Game (Part II)</i> , 42 VILL. L. REV. 1043 (1997).	0	0	3
Ediberto Román, <i>Empire Forgotten: The United States's Colonization of Puerto Rico</i> , 42 VILL. L. REV. 1119 (1997).	0	0	40
Dolores K. Sloviter, <i>Personal Reflections on Creation of the Third Circuit Task Force on Equal Treatment in the Courts</i> , 42 VILL. L. REV. 1347 (1997).	0	0	1
Comm. on Gender & Comm. on Race & Ethnicity, <i>Third Circuit Task Force on Equal Treatment in the Courts</i> , 42 VILL. L. REV. 1355 (1997).	0	0	15

## APPENDIX J:

UNIVERSITY OF SAN FRANCISCO LAW REVIEW ARTICLES  
CITATION HISTORY\**Volumes 31 (1996–1997) & 32 (1997–1998):*

Article	Federal Courts	State Courts	Law Journal
Jeff Brown, <i>Disqualification of the Public Defender: Toward a New Protocol for Resolving Conflicts of Interest</i> , 31 U.S.F. L. REV. 1 (1996).	0	0	5
William P. Quigley, <i>Work or Starve: Regulation of the Poor in Colonial America</i> , 31 U.S.F. L. REV. 35 (1996).	0	0	12
Stuart Miller, <i>Liability for Irresponsible Sales of Controlled Products: An Analysis of Macias v. State of California</i> , 31 U.S.F. L. REV. 85 (1996).	0	0	0
Denis T. Rice, <i>A Practitioner's View of the Private Securities Litigation Reform Act of 1995</i> , 31 U.S.F. L. REV. 283 (1997).	0	0	6
Linda E. Carter, <i>Intermediate Scrutiny Under Fire: Will Plyler Survive State Legislation to Exclude Undocumented Children from School?</i> , 31 U.S.F. L. REV. 345 (1997).	0	0	4
Dan Crone, <i>Assisted Suicide and the U.S. Court of Appeals for the Ninth Circuit: A Philosophical Examination of the Majority Opinion in Compassion in Dying v. Washington</i> , 31 U.S.F. L. REV. 399 (1997).	0	0	1
Jeffrey C. Selman & Christopher S. Chen, <i>Steering the Titanic Clear of the Iceberg: Saving the Sale of Software from the Perils of Warranties</i> , 31 U.S.F. L. REV. 531 (1997).	0	1	4
Joannie Chang et al., <i>Cross-Border Charitable Giving</i> , 31 U.S.F. L. REV. 563 (1997).	0	0	2
Trina Grillo, <i>Tenure and Minority Women Law Professors: Separating the Strands</i> , 31 U.S.F. L. REV. 747 (1997).	0	0	6

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journal
Charles R. Lawrence III, <i>Each Other's Harvest: Diversity's Deeper Meaning</i> , 31 U.S.F. L. REV. 757 (1997).	0	0	25
Mari J. Matsuda, <i>Were You There? Witnessing Welfare Retreat</i> , 31 U.S.F. L. REV. 779 (1997).	0	0	2
John A. Powell, <i>The Colorblind Multiracial Dilemma: Racial Categories Reconsidered</i> , 31 U.S.F. L. REV. 789 (1997).	0	0	12
Roy L. Brooks, <i>Public Interest Affirmative Action</i> , 31 U.S.F. L. REV. 807 (1997).	0	0	0
Lorraine K. Bannai & Marie Eaton, <i>Fostering Diversity in the Legal Profession: A Model for Preparing Minority and Other Non-Traditional Students for Law School</i> , 31 U.S.F. L. REV. 821 (1997).	0	0	4
Paula Lustbader, <i>From Dreams to Reality: The Emerging Role of Law School Academic Support Programs</i> , 31 U.S.F. L. REV. 839 (1997).	0	0	13
Martha M. Peters, <i>Bridging Troubled Waters: Academic Support's Role in Teaching and Modeling "Helping" in Legal Education</i> , 31 U.S.F. L. REV. 861 (1997).	0	0	7
David Dominquez et al., <i>Inclusive Teaching Methods Across the Curriculum: Academic Resource and Law Teachers Tie a Knot at the AALS</i> , 31 U.S.F. L. REV. 875 (1997).	0	0	2
John A. Calmore, <i>Close Encounters of the Racial Kind: Pedagogical Reflections and Seminar Conversations</i> , 31 U.S.F. L. REV. 903 (1997).	0	0	8
Joan Howarth, <i>Teaching in the Shadow of the Bar</i> , 31 U.S.F. L. REV. 927 (1997).	0	0	8
Gerald F. Hess, <i>Listening to Our Students: Obstructing and Enhancing Learning in Law School</i> , 31 U.S.F. L. REV. 941 (1997).	0	0	14
Margalynee Armstrong, <i>Women of Color in the Law: The Duality of Transformation</i> , 31 U.S.F. L. REV. 967 (1997).	0	0	3
Angela Mae Kupenda, <i>Making Traditional Courses More Inclusive: Confessions of an African American Female Professor Who Attempted to Crash All the Barriers at Once</i> , 31 U.S.F. L. REV. 975 (1997).	0	0	8
Susan B. Apel, <i>Gender and Invisible Work: Musings of a Woman Law Professor</i> , 31 U.S.F. L. REV. 993 (1997).	0	0	6
Lionel M. Lavenue, <i>Technical Data Rights in Government Procurement: Intellectual Property Rights in Computer Software and the Indicia of Information Systems and Information Technology</i> , 32 U.S.F. L. REV. 1 (1997).	0	0	2
Maryann Jones, <i>And Access for All: Accommodating Individuals with Disabilities in the California Courts</i> , 32 U.S.F. L. REV. 75 (1997).	0	0	1



Article	Federal Courts	State Courts	Law Journal
L.J. Deftos, <i>Genomic Torts: The Law of the Future—The Duty of Physicians to Disclose the Presence of a Genetic Disease to the Relatives of Their Patients with the Disease</i> , 32 U.S.F. L. REV. 105 (1997).	0	0	13
Elizabeth Spahn & Barbara Andrade, <i>Mis-Conceptions: The Moment of Conception in Religion, Science, and Law</i> , 32 U.S.F. L. REV. 261 (1998).	0	0	4
Debra Cohen-Whelan, <i>Individual Responsibility in the Wake of Limited Liability</i> , 32 U.S.F. L. REV. 335 (1998).	0	0	8
J.A. Lindgren Alves, <i>The United Nations, Post-modernity, and Human Rights</i> , 32 U.S.F. L. REV. 479 (1998).	0	0	8
Stephen E. Smith, <i>Due Process and the Subpoena Power in Federal Environmental, Health, and Safety Whistleblower Proceedings</i> , 32 U.S.F. L. REV. 533 (1998).	0	0	2
Carlo D'Angelo, <i>The Snoop Doggy Dogg Trial: A Look at How Computer Animation Will Impact Litigation in the Next Century</i> , 32 U.S.F. L. REV. 561 (1998).	0	1	3
Michael J. Dale, <i>Lawsuits and Public Policy: The Role of Litigation in Correcting Conditions in Juvenile Detention Centers</i> , 32 U.S.F. L. REV. 675 (1998).	0	0	4
Connie de la Vega & Jennifer Brown, <i>Can a United States Treaty Reservation Provide a Sanctuary for the Juvenile Death Penalty?</i> , 32 U.S.F. L. REV. 735 (1998).	0	0	13

## APPENDIX K:

## WAYNE LAW REVIEW ARTICLES CITATION HISTORY\*

*Volumes 43 (1996–1997) & 44 (1998–1999):*

Article	Federal Courts	State Courts	Law Journals
G. Sidney Buchanan, <i>Sexual Orientation Classifications and the Ravages of Bower v. Hardwick</i> , 43 WAYNE L. REV. 11 (1996).	0	0	8
Joanna Zakalik, <i>Law Without Borders in Cyberspace</i> , 43 WAYNE L. REV. 101 (1996).	0	0	5
Leslie A. Kurtz, <i>Copyright and the Internet - World Without Borders</i> , 43 WAYNE L. REV. 117 (1996).	0	0	1
Edward M. Wise, <i>Criminal Law: Sex, Crime, and Cyberspace</i> , 43 WAYNE L. REV. 137 (1996).	0	0	1
David G. Post, <i>Governing Cyberspace</i> , 43 WAYNE L. REV. 155 (1996).	0	0	39
Julia Rosenwald Hathaway, <i>The Quality of Michigan Supreme Court Opinions</i> , 43 WAYNE L. REV. 173 (1996).	0	0	35
Thomas C. Marvin, <i>Ignore the Men Behind the Curtain: The Role of Commissioners in the Michigan Supreme Court</i> , 43 WAYNE L. REV. 375 (1997).	0	0	0
Robert A. Sedler, <i>Understanding the Establishment Clause: The Perspective of Constitutional Litigation</i> , 43 WAYNE L. REV. 1317 (1997).	0	0	18
Jesse H. Choper, <i>The Unpredictability of the Supreme Court's Doctrine in Establishment Clause Cases</i> , 43 WAYNE L. REV. 1439 (1997).	0	0	2
John H. Garvey, <i>The Architecture of the Establishment Clause</i> , 43 WAYNE L. REV. 1451 (1997).	0	0	1
\William Marshall, <i>The Limits of an Establishment Clause "Restatement": A Response to Professor Sedler</i> , 43 WAYNE L. REV. 1465 (1997).	0	0	0

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Lauri Magid, <i>Awarding Fair Grades in a Process-Oriented Legal Research and Writing Course</i> , 43 WAYNE L. REV. 1657 (1997).	0	0	3
Michael J. Broyde & Steven H. Resnicoff, <i>Jewish Law and Modern Business Structures: The Corporate Paradigm</i> , 43 WAYNE L. REV. 1685 (1997).	0	0	4
Douglas R. Richmond, <i>Associates as Snitches and Rats</i> , 43 WAYNE L. REV. 1819 (1997).	0	0	6
Michael M. Hoffheimer, <i>Law and Legal Education as a Hotbed for the Novel: The Case of Goethe</i> , 44 WAYNE L. REV. 1 (1998).	0	0	1
Clark A. Remington, <i>Llewellyn, Antiformalism and the Fear of Transcendental Nonsense: Codifying the Variability Rule in the Law of Sales</i> , 44 WAYNE L. REV. 29 (1998).	0	0	4
J. Douglas Peters & David R. Parker, <i>The History, Law, and Future of State Class Actions in Michigan</i> , 44 WAYNE L. REV. 135 (1998).	0	0	0
Kurt M. Brauer, <i>The Role of Campaign Fundraising in Michigan's Supreme Court Elections: Should We Throw the Baby Out with the Bathwater?</i> , 44 WAYNE L. REV. 367 (1998).	0	0	12
Peter J. Henning, <i>Individual Liability for Conduct By Criminal Organizations in the United States</i> , 44 WAYNE L. REV. 1305 (1998).	0	0	8
Dorean Marguerite Koenig, <i>XVI International Congress of Penal Law: Report Submitted by the American National Section, AIDP: Topic II: Special Part</i> , 44 WAYNE L. REV. 1351 (1998).	0	0	4
Paul Marcus, <i>XVI International Congress of Penal Law: Report Submitted by the American National Section, AIDP: Topic III: Criminal Procedure</i> , 44 WAYNE L. REV. 1379 (1998).	0	0	1
Bruce Zagaris, <i>XVI International Congress of Penal Law: Report Submitted by the American National Section, AIDP: Topic IV: International Criminal Law</i> , 44 WAYNE L. REV. 1401 (1998).	0	0	5
Mark L. Adams, <i>Compulsory Arbitration of Discrimination Claims and the Civil Rights Act of 1991: Encouraged or Proscribed?</i> , 44 WAYNE L. REV. 1619 (1999).	0	0	6
Tim Edwards, <i>Constitutional Limits on an Employer's Right to Dictate the Terms of an Addict's Recovery Under the ADA: Some Sobering Concerns</i> , 44 WAYNE L. REV. 1679 (1999).	0	0	3

## APPENDIX L:

## WEST VIRGINIA LAW REVIEW ARTICLES CITATION HISTORY\*

*Volumes 99 (1996–1997) & 100 (1997–1998):*

Article	Federal Courts	State Courts	Law Journals
Lisa Kelly, <i>Divining the Deep and Inscrutable: Toward a Gender-Neutral, Child-Centered Approach to Child Name Change Proceedings</i> , 99 W. VA. L. REV. 1 (1996).	0	1	4
Stephen D. Annand & Roberta F. Green, <i>Legislative and Judicial Controls of Contingency Fees in Tort Cases</i> , 99 W. VA. L. REV. 81 (1996).	0	0	1
Gordon H. Copland & Pamela E. Hepp, <i>Government Antitrust Enforcement in the Health Care Markets: The Regulators Need an Update</i> , 99 W. VA. L. REV. 101 (1996).	0	0	1
Jason Cuomo, <i>Life Begins at the Moment of Conception for the Purposes of W. Va. Code § 55-7-5: The Supreme Court of Appeals of West Virginia "Rewrites" Our Wrongful Death Statute</i> , 99 W. VA. L. REV. 237 (1996).	0	0	0
Thomas J. Hurney, Jr., <i>A Practical View of Farley v. Sartin</i> , 99 W. VA. L. REV. 263 (1996).	0	0	1
Joyce E. McConnell, <i>Relational and Liberal Feminism: The "Ethic of Care," Fetal Personhood and Autonomy</i> , 99 W. VA. L. REV. 291 (1996).	0	0	2
Mark A. Glick et al., <i>Mergers in Western Coal Markets: Conforming Antitrust Analysis to the New Reality</i> , 99 W. VA. L. REV. 433 (1997).	0	0	1
M. Ann Bradley & David L. Yaussy, <i>The Voluntary Remediation and Redevelopment Act – West Virginia Restructures Environmental Liability</i> , 99 W. VA. L. REV. 455 (1997).	0	0	2
William H. Hill, III, <i>Oil and Gas Regulatory Considerations for Coal, Oil and Gas Operators in West Virginia: Selected Issues</i> , 99 W. VA. L. REV. 493 (1997).	0	0	0

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
John W. Fisher, II, <i>Creditors of a Joint Tenant: Is There a Lien After Death?</i> , 99 W. VA. L. REV. 637 (1997).	0	0	3
Bruce L. Stout & Audy M. Perry, Jr., <i>West Virginia Takes a Step Backward in Elective Share Law</i> , 99 W. VA. L. REV. 679 (1997).	0	0	0
Stephen Michael Everhart, <i>Can You Lie to the Government and Get Away with it? The Exculpatory-No Defense Under 18 U.S.C. § 1001</i> , 99 W. VA. L. REV. 687 (1997).	0	0	1
Patrick C. McGinley, <i>Separation of Powers, State Constitutions &amp; the Attorney General: Who Represents the State?</i> , 99 W. VA. L. REV. 721 (1997).	0	0	3
Nadine Strossen, <i>The Current Assault on Constitutional Rights and Civil Liberties: Origins and Approaches</i> , 99 W. VA. L. REV. 769 (1997).	0	0	8
Debra R. Cohen, <i>West Virginia Corporate Law: Is It "Broke"?</i> , 100 W. VA. L. REV. 5 (1997).	0	0	2
John W. Fisher, II, <i>The Evolution of Restrictive Covenants in West Virginia</i> , 100 W. VA. L. REV. 55 (1997).	0	2	1
Jeffrey L. Hall, <i>Coming Out in West Virginia: Child Custody and Visitation Disputes Involving Gay or Lesbian Parents</i> , 100 W. VA. L. REV. 107 (1997).	0	0	1
David A. Pepper, <i>Recasting the Issue Ad: The Failure of the Court's Issue Advocacy Standards</i> , 100 W. VA. L. REV. 141 (1997).	0	0	8
Ronald J. Rychlak & Joseph F. Rychlak, <i>Mental Health Experts on Trial: Free Will and Determinism in the Courtroom</i> , 100 W. VA. L. REV. 193 (1997).	0	0	6
Joan R. Tarpley, <i>Bad Witches: A Cut on the Clitoris with the Instruments of Institutional Power and Politics</i> , 100 W. VA. L. REV. 297 (1997).	0	0	4
Peter M. Agulnick, <i>In Search of Truth: A Case for Expanding Perjury's Recantation Defense</i> , 100 W. VA. L. REV. 353 (1997).	0	0	1
Richard L. Costella & Christopher S. Morris, <i>West Virginia Landlord and Tenant Law: A Proposal for Legislative Reform</i> , 100 W. VA. L. REV. 389 (1997).	0	0	1
Grant Crandall et al., <i>Hiding Behind the Corporate Veil: Employer Abuse of the Corporate Form to Avoid or Deny Workers' Collectively Bargained And Statutory Rights</i> , 100 W. VA. L. REV. 537 (1998).	1	0	5
William S. Mattingly, <i>Black Lung Update: The Evolution of the Current Regulations and the Proposed Revolution</i> , 100 W. VA. L. REV. 601 (1998).	1	0	1
Albert Bates, Jr. IV et al., <i>Asset Purchases, Successor Liability, and Insurance Coverage: Does the Tail Always Follow the Dog?</i> , 100 W. VA. L. REV. 631 (1998).	0	0	0

Article	Federal Courts	State Courts	Law Journals
Richard S. Frase, <i>Main-Streaming Comparative Criminal Justice: How to Incorporate Comparative and International Concepts and Materials into Basic Criminal Law and Procedure Courses</i> , 100 W. VA. L. REV. 773 (1998).	0	0	4
Gordon Van Kessel, <i>European Perspectives on the Accused as a Source of Testimonial Evidence</i> , 100 W. VA. L. REV. 799 (1998).	1	1	12
William T. Pizzi, <i>The American "Adversary System"</i> , 100 W. VA. L. REV. 847 (1998).	0	0	6

## APPENDIX M:

*WILLIAM MITCHELL LAW REVIEW* ARTICLES CITATION  
HISTORY\*

*Volumes 22 (1996) & 23 (1997):*

Article	Federal Courts	State Courts	Law Journals
Russell F. Pannier, <i>Lopez and Federalism</i> , 22 WM. MITCHELL L. REV. 71 (1996).	0	0	11
Gerald W. Heaney, <i>The Political Assault on Affirmative Action: Undermining Forty Years of Progress Toward Equality</i> , 22 WM. MITCHELL L. REV. 119 (1996).	0	0	5
Irving Louis Horowitz, <i>Culture, Politics and McCarthyism: A Retrospective From the Trenches</i> , 22 WM. MITCHELL L. REV. 357 (1996).	0	0	5
Neil W. Hamilton, <i>Contrasts and Comparisons Among McCarthyism, 1960s Student Activism and 1990s Faculty Fundamentalism</i> , 22 WM. MITCHELL L. REV. 369 (1996).	0	0	4

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Lionel S. Lewis, <i>The 1950s and 1990s: Similarities and Noteworthy Differences</i> , 22 WM. MITCHELL L. REV. 415 (1996).	0	0	0
Wagner Thielens, <i>Why Wasn't the Damage Worse? Some Answers from The Academic Mind</i> , 22 WM. MITCHELL L. REV. 421 (1996).	0	0	0
Seymour Martin Lipset, <i>From the Sixties to the Nineties: A Double-Edged Sword at Work</i> , 22 WM. MITCHELL L. REV. 451 (1996).	0	0	0
Todd Gitlin, <i>Evolution of the Student Movement of the Sixties and Its Effect</i> , 22 WM. MITCHELL L. REV. 461 (1996).	0	0	0
David Horowitz, <i>Left Wing Fascism and the American Dream</i> , 22 WM. MITCHELL L. REV. 467 (1996).	0	0	0
Nathan Glazer, <i>Academic Freedom in the 1990s</i> , 22 WM. MITCHELL L. REV. 479 (1996).	0	0	1
Daphne Patai, <i>1990s Faculty Fundamentalism and Academic Freedom; There Ought to Be a Law</i> , 22 WM. MITCHELL L. REV. 491 (1996).	0	0	1
John K. Wilson, <i>Myths and Facts: How Real is Political Correctness?</i> , 22 WM. MITCHELL L. REV. 517 (1996).	0	0	1
Jordan E. Kurland, <i>Commentary on Buttressing the Defense of Academic Freedom</i> , 22 WM. MITCHELL L. REV. 545 (1996).	0	0	0
Neil W. Hamilton, <i>Buttressing the Neglected Traditions of Academic Freedom</i> , 22 WM. MITCHELL L. REV. 549 (1996).	0	0	0
Rita J. Simon, <i>What Should Professors Do?</i> , 22 WM. MITCHELL L. REV. 573 (1996).	0	0	1
John D. Bessler, <i>The "Midnight Assassination Law" and Minnesota's Anti-Death Penalty Movement, 1849-1911</i> , 22 WM. MITCHELL L. REV. 577 (1996).	0	0	4
Donald A. Gemberling & Gary A. Weissman, <i>Data Practices at the Cusp of the Millennium</i> , 22 WM. MITCHELL L. REV. 767 (1996).	0	0	1
Margaret Westin, <i>The Minnesota Government Data Practices Act: A Practitioner's Guide and Observations on Access to Government Information</i> , 22 WM. MITCHELL L. REV. 839 (1996).	0	3	1
Michelle Zehnder, <i>Who Should Protect the Native American Child: A Philosophical Debate Between the Rights of the Individual Verses the Rights of the Indian Tribe</i> , 22 WM. MITCHELL L. REV. 903 (1996).	0	0	0
Daniel S. Kleinberger, <i>Guilty Knowledge</i> , 22 WM. MITCHELL L. REV. 953 (1996).	0	0	1
Douglas R. Heidenreich, <i>Article Eight—Article Eight?</i> , 22 WM. MITCHELL L. REV. 985 (1996).	0	0	1
Larry M. Wertheim, <i>The First Othello: A Tribute to the Anglo-American Adversary System</i> , 22 WM. MITCHELL L. REV. 1003 (1996).	0	0	1

Article	Federal Courts	State Courts	Law Journals
Joseph W. Anthony & Karlyn Vegoe Boraas, <i>Betrayed, Belittled . . . but Triumphant: Claims of Shareholders in Closely Held Corporations</i> , 22 WM. MITCHELL L. REV. 1173 (1996).	1	7	5
Daniel S. Kleinberger & Imanta Bergmanis, <i>Direct vs. Derivative, or "What's a Lawsuit Between Friends in an Incorporated Partnership?"</i> , 22 WM. MITCHELL L. REV. 1203 (1996).	0	1	2
Denise Roy, <i>Getting out of Business—Tax Costs and Opportunities in Exiting a Closely Held Business</i> , 22 WM. MITCHELL L. REV. 1281 (1996).	0	0	4
Robert A. Mcleod, <i>Estate Taxes and the Closely Held Business: The Beginning of the End?</i> , 22 WM. MITCHELL L. REV. 1349 (1996).	0	0	1
Frank A. Taylor et al., <i>The Issuance of Securities by Small and Growing Businesses: A Primer</i> , 22 WM. MITCHELL L. REV. 1375 (1996).	0	0	1
Neil W. Hamilton, <i>Are We a Profession or Merely a Business? The Erosion of Rule 5.6 and the Bar Against Restrictions on the Right to Practice</i> , 22 WM. MITCHELL L. REV. 1409 (1996).	0	0	10
Deborah A. Schmedemann, <i>Fired Employees and/or Frozen-Out Shareholders (An Essay)</i> , 22 WM. MITCHELL L. REV. 1435 (1996).	0	1	4
Niels B. Schaumann, <i>Small Business and Copyright Ownership</i> , 22 WM. MITCHELL L. REV. 1469 (1996).	0	0	0
Thomas L. Johnson & Catherine J. Wasson, <i>The Minnesota Worker's Compensation Act: Amendments by the 1995 Minnesota Legislature</i> , 22 WM. MITCHELL L. REV. 1493 (1996).	0	0	0
Thomas D. Morgan, <i>Whose Lawyer Are You Anyway?</i> , 23 WM. MITCHELL L. REV. 11 (1997).	0	0	10
Bruce L. Hay, <i>Contingent Fees, Principal-Agent Problems, and the Settlement of Litigation</i> , 23 WM. MITCHELL L. REV. 43 (1997).	0	0	5
Surell Brady, <i>Municipal Liability for Police Misconduct: Experiences in the Eighth Circuit</i> , 23 WM. MITCHELL L. REV. 81 (1997).	0	0	1
Gerald T. Laurie & David A. Harbeck, <i>Balancing Business Protection with Freedom to Work: A Review of NonCompete Agreements in Minnesota</i> , 23 WM. MITCHELL L. REV. 107 (1997).	0	0	3
Steven Miles, M.D., <i>Gender and Health Insurance</i> , 23 WM. MITCHELL L. REV. 313 (1997).	0	0	1
Phebe Saunders Haugen, <i>Pain Relief for the Dying: The Unwelcome Intervention of the Criminal Law</i> , 23 WM. MITCHELL L. REV. 325 (1997).	0	0	5
William Forsberg, <i>Partners in Life and Death: The New Minnesota Elective Share of a Surviving Spouse Statute</i> , 23 WM. MITCHELL L. REV. 377 (1997).	0	0	1



Article	Federal Courts	State Courts	Law Journals
Anne Greenwood Brown, <i>Sometimes the Bad Guy Wins: Minnesota's Delayed Discovery Rule</i> , 23 WM. MITCHELL L. REV. 401 (1997).	0	0	1
Brook K. Baker, <i>Transcending Legacies of Literacy and Transforming the Traditional Repertoire: Critical Discourse Strategies for Practice</i> , 23 WM. MITCHELL L. REV. 491 (1997).	0	0	4
Todd A. Noteboom & Michael A.G. Korengold, <i>Nun Pro Tunc: The Application of the Private Securities Litigation Reform Act of 1995 to Pending Civil RICO Claims Based on Securities Fraud</i> , 23 WM. MITCHELL L. REV. 565 (1997).	0	0	1
Gary E. O'Connor, <i>Rule(make)r and Judge: Minnesota Courts and the Supervisory Power</i> , 23 WM. MITCHELL L. REV. 605 (1997).	0	0	2
Craig P. Goldman, <i>Render Unto Caesar that which is Rightfully Caesar's, But Not a Penny More Than You Have To: Supplemental Needs Trusts in Minnesota</i> , 23 WM. MITCHELL L. REV. 639 (1997).	0	0	3
John Dwight Ingram, <i>The Insured's Expectations Should Be Honored Only if They are Reasonable</i> , 23 WM. MITCHELL L. REV. 812 (1997).	0	0	1
John W. Lundquist, <i>"They Knew What We Were Doing": The Evolution of the Criminal Estoppel Defense</i> , 23 WM. MITCHELL L. REV. 843 (1997).	0	0	0
Daniel D. Derner & Roger S. Haydock, <i>Confirming an Arbitration Award</i> , 23 WM. MITCHELL L. REV. 879 (1997).	0	0	2
Bruce A. Coane & Ross W. Wooten, <i>Successful Strategies in Mediating Employment Cases</i> , 23 WM. MITCHELL L. REV. 901 (1997).	0	0	0
Anne L. Abramson, <i>Establishing a Distribution System in the European Union: Selected Sources</i> , 23 WM. MITCHELL L. REV. 927 (1997).	0	0	0

## APPENDIX N:

## WHITTIER LAW REVIEW ARTICLES CITATION HISTORY\*

*Volumes 18 (1996–1997) & 19 (1997–1998):*

Article	Federal Courts	State Courts	Law Journals
Peter V. Lee, <i>The Promise and Perils of Managed Health Care: Consumers' Search for a Level Playing Field</i> , 18 WHITTIER L. REV. 1 (1996).	0	0	1
Alan Bloom & Charles B. Oppenheim, <i>Fraud in Managed Care: Old Wine in New Bottles</i> , 18 WHITTIER L. REV. 13 (1996).	0	0	2
Charles Pereyra-Suarez & Carole A. Klove, <i>Ring Around the White Collar: Defending Fraud and Abuse</i> , 18 WHITTIER L. REV. 31 (1996).	0	0	6
Shirley J. Paine et al., <i>Ethical Dilemmas in Reproductive Medicine</i> , 18 WHITTIER L. REV. 51 (1996).	0	0	9
Angela A. Mickelson & Toni DelliQuadri, <i>Managed Care Potpourri III: State Regulators Have Their Say</i> , 18 WHITTIER L. REV. 67 (1996).	0	0	0
Kenneth J. Yood et al., <i>Medicare Reform: Where We are Now</i> , 18 WHITTIER L. REV. 73 (1996).	0	0	0
Mark A. Kadzielski et al., <i>Credentialing For Managed Care Providers: Risks and Opportunities</i> , 18 WHITTIER L. REV. 87 (1996).	0	0	1
Lowell C. Brown & Robyn Meinhardt, <i>Peer Review Confidentiality: Those Old Protections Just Ain't What They Used to Be</i> , 18 WHITTIER L. REV. 99 (1996).	0	0	1
Joseph A. Saunders, <i>The Other Side of the "Gate-keeping" Coin</i> , 18 WHITTIER L. REV. 105 (1996).	0	0	0
Robert J. Enders & Thomas A. Papageorge, <i>Managed Care And Antitrust: The Divergent Views of Government and Providers</i> , 18 WHITTIER L. REV. 121 (1996).	0	0	1
David Kushner, <i>Property Interests in Nude Sunbathing</i> , 18 WHITTIER L. REV. 261 (1997).	0	0	0

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Richard I. Fine & Francois Alland, <i>Current Political and Economic Developments in the European Union</i> , 18 WHITTIER L. REV. 281 (1997).	0	0	1
David A. Gantz, <i>Introduction to the World Trading System and Trade Laws Protecting U.S. Business</i> , 18 WHITTIER L. REV. 289 (1997).	0	0	3
Leslie Williams, <i>Current Legal Developments in the European Union</i> , 18 WHITTIER L. REV. 207 (1997).	0	0	1
Robert E. Lutz, <i>Current Developments in the North American Free Trade Agreement: A Guide for Future Economic Integration Efforts</i> , 18 WHITTIER L. REV. 313 (1997).	0	0	3
James F. Rill, <i>A Framework for Cooperation: The Status of International Antitrust Enforcement</i> , 18 WHITTIER L. REV. 321 (1997).	0	0	4
Steven Hecht, <i>Commentary of a Los Angeles Area Attorney</i> , 18 WHITTIER L. REV. 333 (1997).	0	0	0
Erik G. Luna, <i>Avoiding a "Carnival Atmosphere": Trial Court Discretion and the Advocate-Witness Rule</i> , 18 WHITTIER L. REV. 447 (1997).	0	2	3
Michael D. Moberly, <i>Proceeding Geometrically: Rethinking Parallel State and Federal Employment Discrimination Litigation</i> , 18 WHITTIER L. REV. 499 (1997).	0	0	9
Tyler Trent Ochoa & Christine Newman Jones, <i>Defiling the Dead: Necrophilia and the Law</i> , 18 WHITTIER L. REV. 539 (1997).	1	0	2
Mike Roberts, <i>The National Gambling Debate: Two Defining Issues</i> , 18 WHITTIER L. REV. 579 (1997).	0	0	8
Ilse Nehring, <i>"Throwaway Rights": Empowering a Forgotten Minority</i> , 18 WHITTIER L. REV. 767 (1997).	0	0	4
Karen Mika, <i>Innovative Teaching Methods and Practical Uses of Literature in Legal Education</i> , 18 WHITTIER L. REV. 815 (1997).	0	0	1
Judith F. Darr & Spencer Koerner, M.D., <i>Telemedicine: Legal and Practical Implications</i> , 19 WHITTIER L. REV. 3 (1997).	0	0	6
Robin Prendergast et al., <i>Understanding the Issues of Organ and Tissue Donation, Allocation and Payment</i> , 19 WHITTIER L. REV. 29 (1997).	0	0	0
Elaine Brooks et al., <i>Confidentiality and Right to Privacy Issues in Mental Health Managed Care</i> , 19 WHITTIER L. REV. 39 (1997).	0	0	3
Charles Pereyra-Suarez, <i>Litigation Issues in Fraud and Abuse</i> , 19 WHITTIER L. REV. 51 (1997).	0	0	3
Alan Bloom & William H. Ginsburg, <i>Managed Care Rankings: Are They Rank?</i> , 19 WHITTIER L. REV. 69 (1997).	0	0	0

Article	Federal Courts	State Courts	Law Journals
Mark A. Kadzielski et al., <i>Credentialing in Managed Care: The New Frontier</i> , 19 WHITTIER L. REV. 83 (1997).	0	1	1
Lowell C. Brown et al., <i>Facing the Limits on Uses of Medical and Peer Review Information: Are High Technology and Confidentiality on a Collision Course?</i> , 19 WHITTIER L. REV. 97 (1997).	0	0	1
Angela A. Mickelson et al., <i>Managed Care Potpourri IV: Where Oh Where is Complementary/Alternative Care?</i> , 19 WHITTIER L. REV. 119 (1997).	0	0	1
Joan Fitzpatrick et al., <i>Enforcing Human Rights in the United States</i> , 19 WHITTIER L. REV. 267 (1997).	0	0	2
Bruce J. Einhorn et al., <i>The Prosecution of War Criminals and Violators of Human Rights in the United States</i> , 19 WHITTIER L. REV. 281 (1997).	0	0	7
William Walker, <i>The Yugoslav War Crimes Tribunal: Recent Developments</i> , 19 WHITTIER L. REV. 303 (1997).	0	0	1
Paul Hoffman, <i>The Dusan Tadic Trial and Due Process Issues</i> , 19 WHITTIER L. REV. 313 (1997).	0	0	0
Elisa C. Massimino, <i>Prospects for the Establishment of an International Criminal Court</i> , 19 WHITTIER L. REV. 317 (1997).	0	0	3
Peter A. Schey et al., <i>Addressing Human Rights Abuses: Truth Commissions and the Value of Amnesty</i> , 19 WHITTIER L. REV. 325 (1997).	0	0	8
Ellen L. Lutz, <i>International Obligations to Respect and Ensure Human Rights</i> , 19 WHITTIER L. REV. 345 (1997).	0	0	0
Calvin Peeler, <i>The Politics of Memory: Reconstructing Vichy and the Past the French Chose to Forget</i> , 19 WHITTIER L. REV. 353 (1997).	0	0	3
Merritt McKeon, <i>The Impact of Domestic Violence on Child Custody Determination in California: Who Will Understand?</i> , 19 WHITTIER L. REV. 459 (1998).	0	0	3
Terence E. Doherty, <i>The Constitutionality of IOLTA Accounts</i> , 19 WHITTIER L. REV. 487 (1998).	0	0	9
Niccol Kording & Janine P. DuMontelle, <i>An Overview of Admissibility of Genetic Test Results in Federal Civil Actions: An Uncertain Destiny</i> , 19 WHITTIER L. REV. 681 (1998).	0	0	3

## APPENDIX O:

## WILLAMETTE LAW REVIEW ARTICLES CITATION HISTORY\*

## Volumes 32 (1996) &amp; 33 (1997):

Article	Federal Courts	State Courts	Law Journals
Jack L. Landau, <i>Some Observations About Statutory Construction in Oregon</i> , 32 WILLAMETTE L. REV. 1 (1996).	0	4	14
Henry H. Drummonds, <i>A Case Study of the Ex Ante Veto Negotiations Process: The Derfler-Bryant Act and the 1995 Amendments to the Oregon Public Employee Collective Bargaining Law</i> , 32 WILLAMETTE L. REV. 69 (1996).	0	1	3
Jennifer J. Johnson, <i>The Oregon Limited Liability Partnership Act</i> , 32 WILLAMETTE L. REV. 147 (1996).	0	0	3
Gail L. Achterman & Peter D. Mostow, <i>Senate Bill 674: Increasing the Flow Rate of Oregon's Water Rights Permitting Process</i> , 32 WILLAMETTE L. REV. 187 (1996).	0	1	0
Chess Trethewy, <i>Senate Bill 369: Another Chapter in the Political Saga of Worker's Compensation in Oregon</i> , 32 WILLAMETTE L. REV. 217 (1996).	0	0	3
Michael H. Hurwitz, <i>Founders' Shares: An Analysis of Merit Review Under the Oregon Securities Law</i> , 32 WILLAMETTE L. REV. 249 (1996).	0	0	0
Eric Mills Holmes, <i>Restatement of Promissory Estoppel</i> , 32 WILLAMETTE L. REV. 263 (1996).	0	2	17
Okianer Christian Dark, <i>Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability Into Law School Teaching</i> , 32 WILLAMETTE L. REV. 541 (1996).	0	0	10
William Prewitt Kralovec, <i>Contemporary Legal Education: A Critique and Proposal for Reform</i> , 32 WILLAMETTE L. REV. 577 (1996).	0	0	4

---

\* This list of articles is presented in the chronological order published, and includes all major articles and all substantive symposium contributions included in the two volumes, but does not include student notes, book reviews, non-substantive symposium introductions or forwards, surveys of local law, or other minor contributions such as speeches and tributes. The citation frequencies were determined through Lexis computer database searches utilizing the "Federal and State Cases, Combined" and "U.S. & Canadian Law Reviews, Combined" databases. While these databases are not completely exhaustive, they are relatively complete and certainly sufficient to demonstrate relative citation frequencies. These Lexis searches are current through May 30, 2003.

Article	Federal Courts	State Courts	Law Journals
Suzanne C. Segerstrom, <i>Perceptions of Stress and Control in the First Semester of Law School</i> , 32 WILLAMETTE L. REV. 593 (1996).	0	0	13
Edwin J. Peterson, <i>The Oregon Supreme Court Task Force on Racial Issues in the Court: A Call for Self-Examination</i> , 32 WILLAMETTE L. REV. 609 (1996).	0	0	1
David W. Turner et al., <i>The Changing Landscape of School District Negotiations: A Practitioner's Perspective on the 1995 Amendments to the Oregon Public Employee Collective Bargaining Law</i> , 32 WILLAMETTE L. REV. 707 (1996).	0	0	2
Kathleen E. Mahoney, <i>The Myth of Judicial Neutrality: The Role of Judicial Education in the Fair Administration of Justice</i> , 32 WILLAMETTE L. REV. 785 (1996).	0	0	5
Andrew Weis, <i>Peremptory Challenges: The Last Barrier to Jury Service for People with Disabilities</i> , 33 WILLAMETTE L. REV. 1 (1997).	1	0	3
Michael Hunter Schwartz, <i>Power Outage: Amplifying the Analysis of Power in Legal Relations (with Special Application to Unconscionability and Arbitration)</i> , 33 WILLAMETTE L. REV. 67 (1997).	0	0	4
Peter R. Jarvis & Bradley F. Tellam, <i>When Waiver Should Not Be Good Enough: An Analysis of Current Client Conflicts Law</i> , 33 WILLAMETTE L. REV. 145 (1997).	0	0	8
Catherine G. Meier, <i>Protecting Parental Leave: A Fundamental Rights Model</i> , 33 WILLAMETTE L. REV. 177 (1997).	0	0	3
Debra Burke et al., <i>Women, Guns, and the Uniform Commercial Code</i> , 33 WILLAMETTE L. REV. 219 (1997).	0	0	1
Sherri L. Burr, <i>The Piracy Gap: Protecting Intellectual Property in an Era of Artistic Creativity and Technological Change</i> , 33 WILLAMETTE L. REV. 245 (1997).	0	0	6
M.H. Sam Jacobson, <i>Using the Myers-Briggs Type Indicator to Assess Learning Style: Type or Stereotype?</i> , 33 WILLAMETTE L. REV. 261 (1997).	0	0	8
Paula Lustbader, <i>Construction Sites, Building Types, and Bridging Gaps: A Cognitive Theory of the Learning Progression of Law Students</i> , 33 WILLAMETTE L. REV. 315 (1997).	0	0	12
Paul T. Wangerin, <i>Action Research in Legal Education</i> , 33 WILLAMETTE L. REV. 383 (1997).	0	0	3
Sharlene W. Lassiter, <i>From Hoof to Hamburger: The Fiction of a Safe Meat Supply</i> , 33 WILLAMETTE L. REV. 411 (1997).	1	0	5
Peter R. Jarvis & Bradley F. Tellam, <i>Competence and Confidentiality in the Context of Cellular Telephone, Cordless Telephone, and E-Mail Communications</i> , 33 WILLAMETTE L. REV. 467 (1997).	0	0	5

Article	Federal Courts	State Courts	Law Journals
Saul P. Levmore, <i>Fables, Sagas, and Laws</i> , 33 WILLAMETTE L. REV. 485 (1997).	0	0	1
Donald T. Weckstein, <i>In Praise of Party Empowerment—And of Mediator Activism</i> , 33 WILLAMETTE L. REV. 501 (1997).	0	0	24
Roselle L. Wissler, <i>The Effects of Mandatory Mediation: Empirical Research on the Experience of Small Claims and Common Pleas Courts</i> , 33 WILLAMETTE L. REV. 565 (1997).	0	0	21
Barbara J. Gazeley, <i>Venus, Mars, and the Law: On Mediation of Sexual Harassment Cases</i> , 33 WILLAMETTE L. REV. 605 (1997).	0	0	8
Barbara A. Phillips, <i>Mediation: Did We Get It Wrong?</i> , 33 WILLAMETTE L. REV. 649 (1997).	0	0	10
Samuel J. Imperati, <i>Mediator Practice Models: The Intersection of Ethics and Stylistic Practices in Mediation</i> , 33 WILLAMETTE L. REV. 703 (1997).	0	0	16
Ann L. Mac Naughton, <i>Cross-Cultural Conflict Resolution: Finding Common Ground in Disputes Involving Values Conflicts</i> , 33 WILLAMETTE L. REV. 747 (1997).	0	0	2
Judith Armatta, <i>Getting Beyond the Law's Complicity in Intimate Violence Against Women</i> , 33 WILLAMETTE L. REV. 773 (1997).	0	0	18
George B. Stevenson, <i>Federal Antiviolence and Abuse Legislation: Toward Elimination of Disparate Justice for Women and Children</i> , 33 WILLAMETTE L. REV. 847 (1997).	0	0	8
Joanne Fuller & Rose Mary Lyons, <i>Mediation Guidelines</i> , 33 WILLAMETTE L. REV. 905 (1997).	0	0	9
Gwendolyn Griffith, <i>Lessons in Collaboration from Local Domestic Violence Councils</i> , 33 WILLAMETTE L. REV. 931 (1997).	0	0	0